- §1.04. Anadromous Waters. (No Change)
- §1.05. Angling. (No Change)
- §1.08. Artificial Fly. (No Change)
- §1.11. Artificial Lure. (No Change)
- §1.14. Authorization for Taking Fish. (No Change)
- §1.17. Bag and Possession Limit. (No Change)
- §1.19. Barbless Hook. (No Change)
- §1.20. Black Bass. (No Change)
- §1.23. Bow and Arrow Fishing Tackle. (No Change)
- §1.24. Bullfrog. (No Change)
- §1.26. Bullhead. (No Change)
- §1.29. Catfish. (No Change)
- §1.32. Chumming. (No Change)
- §1.35. Closed or Closure. (No Change)
- §1.38. Closed Season. (No Change)
- §1.41. Dates. (No Change)
- §1.42. Dip Net. (No Change)
- §1.44. Dividing Line Between Lake and Stream. (No Change)
- §1.47. Fishing Closures (Special) (No Change)
- §1.48. Gill Net. (No Change)
- §1.53. Inland Waters. (No Change)
- §1.56. Lake. (No Change)
- §1.59. Limit. (No Change)
- §1.62. Minimum Size.

### Informative Digest/Policy Statement Overview - DFG

California's green sturgeon and white sturgeon support a popular sport fishery in the San Francisco Estuary and Sacramento-San Joaquin River System and a lesser fishery in the ocean. Green sturgeon and white sturgeon are prone to overfishing due to their life-histories and behavior. Their numbers are also subject to decline attributable to habitat loss and habitat degradation. White sturgeon (in particular) are subject to organized poaching and illegal commercialization of their highly-valuable eggs and flesh.

Current fishing regulations for these two sturgeon species provide a year-round fishery, a daily bag and possession limit of one fish, a size limit of 46 to 72 inches total length, and area and seasonal closures. These regulations do not differentiate between different life histories and population status, ignore the population-effects of varying production of young sturgeon, can not manage the boom-and-bust character of the fishery, and make it difficult to deter poaching and illegal commercialization.

The Department of Fish and Game (Department) is proposing regulations which will facilitate existing efforts to improve California's sturgeon populations and protect the sturgeon fishery by improved habitat, better fish passage, increased population and fishery monitoring, effective enforcement, and comprehensive coordination with the public.

The proposed regulations include a size limit for white sturgeon of 46 to 60 inches total length, no retention of green sturgeon, a daily bag limit of one white sturgeon, an annual bag limit three white sturgeon, no authorization of boat limits when sturgeon fishing in ocean waters, and an annual sturgeon report card with tags.

If the regulations proposed here are implemented and substantially enforced, the fundamental character of California's sturgeon fishery will be preserved while important additional fishery management, population management, and anti-poaching measures will be effected.

<u>Section 1.62, Title 14, CCR:</u> Section 1.62 addresses handling requirements for fish to be released due to size restrictions. However, Section 1.62 references only handling of fish that are less than the legal size.

The proposed amendment to Section 1.62 would extend the protections now afforded fish less than legal size to fish greater than legal size. Handling requirements afforded fish – particularly sturgeon – greater than legal size are basic conservation measures designed to minimize stress and mortality to captured fish that must be released.

<u>Sections 5.80 and 27.90, Title 14, CCR:</u> These sections limit retention of sturgeon for inland (Section 5.80) and ocean (Section 27.90) waters. The current sections do not differentiate between white sturgeon and green sturgeon.

The proposed amendment removes green sturgeon to their own section and includes measures to improve white sturgeon spawning potential, population resiliency, fishery data, and anti-poaching efforts:

- a white sturgeon size limit of 46 to 60 inches total length,
- a 3-fish-per-year white sturgeon bag limit,
- · specific requirements for a Sturgeon Fishing Report Card, and
- a requirement to apply tags to retained white sturgeon.

The size limit would protect approximately 12 year-classes of sturgeon from harvest during a period when female sturgeon of this size and age have tremendous reproductive potential.

The 3-fish annual bag limit would allocate the sturgeon resource more-equitably and reduce the incentive for illegal commercialization of sturgeon.

The report card with tags would be necessary to enforce the annual bag limit and to collect much-needed information on catch of sturgeon by anglers. Because enforcement of the annual bag limit and collection of catch data are both very important, possession of the card and use of the tags would be required of children and other potentially non-licensed anglers (e.g., those participating fishing from piers). These potentially non-licensed anglers were recently estimated at about 16 % of all anglers in marine waters during 2004 and 2005.

Sturgeon Fishing Report Card Requirements

- Any person fishing for sturgeon shall have in their possession a nontransferable Sturgeon Fishing Report Card issued by the department
- This includes anglers who are under 16 years of age, anglers who are fishing from a public pier, and anglers
  who hold a lifetime fishing license. Anglers who are under 16 years of age may purchase a sturgeon fishing
  report card without purchasing a sport fishing license.
- A Sturgeon Fishing Report Card shall be valid for the calendar year as shown on the report card.
- No person may purchase more than one Sturgeon Fishing Report Card per year or possess any Sturgeon Fishing Report Card other than their own.
- Anglers must return their card by January 31 of the following year shown on the report card to the address specified on the Sturgeon Fishing Report Card.

- If the angler holds a sport fishing license, the report card number shall be entered in ink on the angler's sport fishing license, and the sport fishing license number shall be entered in ink on the report card on the appropriate line.
- Whenever the cardholder catches a sturgeon, whether the fish is retained or released, the cardholder shall use
  a ball point pen to immediately record on the Sturgeon Fishing Report Card all of the following information:
  month and day, catch location, and species of sturgeon. If a white sturgeon is retained, the total length of the
  fish must also be recorded on the report card immediately.

Sturgeon Tagging Requirements

- A Sturgeon Fishing Report Card includes three tags that are to be used to tag any white sturgeon that is retained.
- After retaining a white sturgeon the date the fish is taken shall be immediately recorded on the tag with a ball point pen.
- The angler shall immediately attach the tag to the body of the white sturgeon, and leave the tag in place until the fish is processed, steaked, or filleted for consumption and stored at a residence or non-transient location.

<u>Sections 5.81 and 27.91, Title 14, CCR:</u> This action would create sections specific to green sturgeon for inland (Section 5.81) and ocean (Section 27.91) waters, eliminate retention of green sturgeon, and complement the proposals to amend sections 5.80 and 27.90 so that it addresses only limits to white sturgeon retention.

<u>Section 27.60, Title 14, CCR:</u> This section limits retention of sturgeon in ocean waters. With regards to sturgeon, it is simply a table that reiterates information in Section 27.90.

The proposed amendment would make contents of the table consistent with Section 27.90 and no authorization of boat limits while sturgeon fishing in ocean waters to align with proposed Section 195 changes. Furthermore, the amendment would complement the proposed establishment of Section 27.91 on green sturgeon retention.

<u>Section 27.95, Title 14, CCR:</u> This section limits take of sturgeon in an area of San Francisco Bay between January 1 and March 15. The proposed amendment is a slight wording change that would complement the proposed changes to sections 27.90 and 27.91.

<u>Section 195, Title 14, CCR:</u> This section contains the regulations for boat limits in ocean waters. The proposed amendment has no authorization of boat limits while sturgeon fishing in ocean waters to ensure accurate data is collected from the report cards.

<u>Section 701, Title 14, CCR:</u> This section contains regulatory form numbers that are incorporated by reference and their fees which are adjusted annually pursuant to the provisions of Section 699, Title 14, CCR.

The proposed amendment provides the annual fee updates for the Declaration for Multi-Day Fishing Trip, Permit Authorizing Transit of a Recreational Fishing Vessel Through Areas Closed to Fishing (Annual and 30 days or less) forms, adds 2007 Salmon Punch Card and 2007 Steelhead Fishing Report and Restoration Card form numbers and fees to this section, reflects the required changes made to sections 5.80 and 27.90 for the Sturgeon Fishing Report Card.

The Sturgeon Fishing Report Card fee will range from \$0 to \$7.50, which are the minimum and maximum permit prices that the Department can charge without legislation. The final fee will be determined from report card printing and administration costs, final funding source, the projected anglers and a 5% license agent handling fee calculated pursuant to Fish and Game Code 1055(b).

Minor changes were made to improve the clarity of the regulations.

### **Regulatory Language**

Section 1.62, Title 14, CCR, is amended as follows:

## 1.62. Minimum and Maximum Size.

No fish, mollusks or crustaceans less than the legal minimum size <u>or greater than the maximum legal size</u> (total, fork or alternate) may be possessed, except as otherwise provided. Total length is the longest straight-line measurement from the tip of the head to the end of the longest lobe of the tail. Fork length is the straight-

line distance from the tip of the head to the center of the tail fin. Tip of the head shall be the most anterior point on the fish with the mouth closed and the fish lying flat on its side. Alternate length is the straight-line distance from the base of the foremost spine of the first dorsal fin to the end of the longest lobe of the tail. Unless otherwise provided, all fish, mollusks or crustaceans less than the legal minimum size or greater than the maximum legal size must be returned immediately to the water from which they were taken.

### NOTE:

Authority cited: Sections 200, 202, 205, 219 and 220, Fish and Game Code. Reference: Sections 18, 200, 202, 205 and 220, Fish and Game Code.

### §1.63. Movement of Live Fish.

# Informative Digest/Policy Statement Overview - DFG

Currently Section 1.63, Title 14, California Code of Regulations (CCR), reads "Except as provided in sections 4.00 through 4.30 and 230, live fin fish taken under the authority of a sport fishing license may not be transported alive from the water where taken."

The phrase "taken under the authority of a sport fishing license" creates a loophole. Juveniles under the age of 16 are not required to possess a sport fishing license when fishing. This means that a juvenile could transport live sport taken fin fish and not be in violation of the law. Additionally, it could be argued that persons taking fin fish without first obtaining a sport fishing license would not be in violation of this section.

Lake Davis is a prime example of the adverse effect of transporting certain fish species from one location to another. The lake, which once supported a superb rainbow trout fishery, has now been taken over by northern pike believed to be illegally transplanted from unknown sources outside of California or possibly from nearby Frenchman Reservoir, where pike had also been illegally introduced. This pike population now threatens native salmon and steelhead populations found downstream in the Sacramento-San Joaquin river systems and Delta.

This regulation proposal will remove the reference to sport fishing license to clarify that it is illegal to transport live fin fish from the waters where taken. These proposed regulations will reduce public confusion and improve enforceability of the regulations.

### **Regulatory Language**

## Section 1.63, Title 14, CCR, is amended as follows:

#### 1.63. Movement of Live Fish.

Except as provided in sections 4.00 through 4.30 and 230, live fin fish taken under the authority of a sport fishing license-may not be transported alive from the water where taken.

It is unlawful to transport fin fish alive from the water where taken except as authorized by the commission or the Fish and Game Code. This section does not apply to fish taken pursuant to Part 3 of Division 6 in the Fish and Game Code (Commercial Fishing).

- §1.65. Multiple Hook. (No Change)
- §1.67 Native Reptiles and Amphibians.

### Informative Digest/Policy Statement Overview - DFG

Currently Section 1.67, Title 14, California Code of Regulations (CCR), leaves its intent open to possible misinterpretation. Some may interpret that specific specimens of amphibians and reptiles that are imported into California, which are the same species or subspecies of indigenous California animals, are not native to California pursuant to Section 1.67. Such an interpretation can result in importation of reptiles and amphibians, although of the same species or subspecies as indigenous California specimen, for commercialization purposes. This can then lead to illegal commercialization of specimens that originate from the wild in California but are presented as being imported from another state.

Section 1.67 should be clearly understandable by both those who enforce and those who are directly affected by state regulations. Unclear regulatory language can cause an additional burden of proof which may hinder effective enforcement of Title 14 sections that rely on, at least in part, the definition of amphibians and reptiles found in Section 1.67. If the courts determine that regulations are not clear it can result in lack of prosecution of people illegally commercializing and/or poaching California native reptiles and amphibians.

Section 1.67 does not currently state that an individual specimen claimed to have been taken or produced in another state is nonetheless a native specimen, since it is of a species or subspecies indigenous to California. The more clearly this definitive section is the better it serves the enforceable Title 14 sections which are meant to protect native species and subspecies of amphibians and reptiles.

The regulations proposal directly states that the definition includes all specimens regardless of their origin. This will address the interpretation issue since it readily eliminates origin as a consideration for what specimens would not be considered native.

#### **Regulatory Language**

### Section 1.67, Title 14, CCR, is amended as follows:

# 1.67. Native Reptiles and Amphibians.

Native reptiles and amphibians are those subspecies, and species which have no subspecies in California, including all color phases, of the classes Reptilia and Amphibia indigenous to California. whether taken from the wild or This definition includes all specimens regardless of their origin even if they were produced in captivity.

NOTE: Authority cited: Sections 200, 202, 205, 220, 5061 and 6896, Fish and Game Code. Reference: Sections 200, 202, 205, 220, 5060, 5061, 6895 and 6896, Fish and Game Code.

- §1.68. Open Season. (No Change)
- §1.71. Opening Date and Bag Limit for Boundary Waters. (No Change)
- §1.72. Stream (Includes Creeks and Rivers). (No Change)
- §1.73. Salmon. (No Change)
- §1.74. Salmon Punch Card and Steelhead Trout Catch Report Card Requirements. (No Change)
- §1.75. Salmon Spawning Areas. (No Change)
- §1.76. Spearfishing. (No Change)
- §1.77. Sunfish. (No Change)
- §1.80. Take. (No Change)
- §1.84. Titles and Section Numbers. (No Change)
- §1.85. Trammel Net. (No Change)
- §1.86. Trout. (No Change)
- §1.87. Waste of Fish. (No Change)
- §1.88. Public Pier. (No Change)
- §1.90. Nearshore Fish Stocks, Nearshore Fisheries, and Nearshore Waters Defined. (No Change)

### §2.00. Fishing Methods--General.

### Informative Digest/Policy Statement Overview - DFG and PUBLIC

Section 2.00, Title 14, California Code of Regulations (CCR), outlines statewide fishing methods in inland waters, with some exceptions. Currently, the section states that fish may be taken by "angling" with one closely attended rod and line. Angling is defined as, "to take fish by hook and line with the line held in the hand, or with the line attached to a pole or rod held in the hand or closely attended in such manner that the fish voluntarily takes the bait or lure in its mouth."

There is nothing in Section 2.00 that specifically states an individual cannot keep snagged fish. Section 2.00 is commonly used when a citation is written to a subject for keeping a snagged fish and when citing a subject for unlawfully using more then one line in inland waters. This citing section sometimes confuses court personnel. They see Section 2.00 and assume the citation was issued for using more than one line, which is less heinous, then unlawfully snagging and keeping a fish unlawfully.

Since the section does not specifically mention or define snagging, the language is confusing to judges and court personnel. In order to cite for Section 2.00 officers must also explain the definition of angling in their report as well as to the court. In addition, when laws are unclear or confusing there is greater propensity for courts to dismiss cases resulting in lost revenue to the Department.

This regulation proposal adds additional language that clearly states it is illegal to kill or retain a fish that did not actively take the bait or lure in its mouth, **adds a definition of snagging**, and requires these fish to be released immediately unharmed into the water. The proposed changes will reduce public confusion and improve enforceability of the regulations.

## **Regulatory Language**

### Section 2.00, Title 14, CCR, is amended as follows:

### 2.00. Fishing Methods - General.

- (a) All fish may be taken only by angling with one closely attended rod and line or one hand line with not more than three hooks nor more than three artificial lures (each lure may have three hooks attached) attached thereto. Anglers in possession of a valid two-rod stamp and anglers under 16 years of age may use up to two rods in lakes, reservoirs and the Colorado River District. See District Trout, Salmon and Special regulations for exceptions.
- (b) Snagging is prohibited. Snagging is defined as impaling or attempting to impale a fish in any part of its body other than the mouth by use of a hook, hooks, gaff, or other mechanical implement. This definition does not include activities otherwise authorized under these regulations for the lawful use of a gaff, bow and arrow, or spear.
- (c) It is unlawful to kill, or retain in possession, any fish taken pursuant to (a), any fish which has not voluntarily taken the bait or artificial lure in its mouth. Any fish not taken pursuant to (a) these regulations, shall be released immediately back into the water.

NOTE: Authority cited: Sections 200, 202, 205, 219 and 220, Fish and Game Code. Reference: Sections 200, 202, 206 and 220, Fish and Game Code.

- §2.01. Limits on Weights and Hook Spacing. (No Change)
- §2.02. Fishing Methods--North Coast District. (No Change)
- §2.03. Special Upper Sacramento River Gear Restrictions. (No Change)
- §2.04. Fishing Methods--Special Provisions. (No Change)
- §2.06 Use of Gafts. (No Change)
- §2.07. Underwater Viewing Devices. (No Change)
- §2.08. Special Fishing Methods--Barrett and Upper Otay Lakes, San Diego County. (No Change)

- §2.09. Possession of Illegal Gear. (No Change)
- §2.10. Fishing Methods--Use of Hooks and Weights, General. (No Change)
- §2.11. Special Fishing Methods-Lake County. (No Change)
- §2.12. Special Fishing Methods Shasta County. (No Change)
- §2.13. Special Net Restriction Santa Clara and Santa Cruz Counties. (No Change)
- §2.14 Special Fishing Methods San Joaquin River. (No Change)
- §2.15. Use of Lights. (No Change)
- §2.20. Fishing Beneath Ice. (No Change)
- §2.25. Bow and Arrow Fishing. (No Change)
- §2.30. Spearfishing. (No Change)
- §2.35. Taking Fish near Dams, Fishways, Screens and Egg-Taking Stations. (No Change)
- §2.40. Chumming. (No Change)
- §3.00. Fishing Hours. (No Change)
- §4.00. Bait General. (No Change)
- §4.05. Bait Fish Capture Methods. (No Change)
- §4.10. Bait Fish Use in the Southern District. (No Change)
- §4.15. Bait Fish Use in the Colorado River District. (No Change)
- §4.20. Bait Fish Use in the Valley and South Central Districts. (No Change)
- §4.25. Bait Fish Use in the North Central District. (No Change)
- §4.30. Bait Fish Use in the Sierra and North Coast Districts. (No Change)
- §5.00. Black Bass.

### Informative Digest/Policy Statement Overview - DFG and PUBLIC

Under the current black bass regulations, it is legal to fish closed trout waters in Inyo and Mono counties for black bass all year. Enforcement staff is encountering increasing numbers of anglers that claim to be bass fishing while actually catch and release fishing for trout. During informal conversations with several anglers and one local fishing guide/outfitter, Enforcement has been told that some people are advocating catch and release trout fishing during closed trout season. In order to circumvent the current regulations, these anglers can claim to be bass fishing when contacted by a Warden. These areas are prized trout areas and the proposed regulation changes will help eliminate fishing for trout and the potential for hooking mortality on trout during the closed season.

Section 5.00(b)(5), is in direct conflict with Section 7.00(b)(7). Section 5.00 (b)(5) states that all waters of Mono County are open to black bass fishing all year while Section 7.00 (b)(7), states that Mono County waters are closed to all fishing when closed to trout fishing, except for unrestricted portions of Fish Slough which are open to fishing all year.

These proposed regulations will close the streams in the southwest portion of Inyo County (Section 7.00(b)(2), to black bass fishing when the trout season is also closed and align the Mono County regulations in sections

5.00(b)(5) and 7.00 (b)(7). These proposed regulation changes clarify conflicting regulations, reduce public confusion, and improve enforceability of the regulations.

Also in Inyo County, Haiwee Reservoir listed in sections 5.00(b)(16) and 7.50(b)(73.5), was closed by the Los Angeles Department of Water and Power (LADWP) to all public access, including fishing. This closure eliminates take-concerns outside of the general regulations and existing regulations could cause confusion for the public that the Haiwee Reservoir Special Fishing regulations may supersede LADWP's authority regarding trespass on LADWP lands. This proposed regulation is to remove Haiwee Reservoir from sections 5.00(b)(16) and 7.50(b)(73.5), to allow it to be covered under general fishing regulations and revise Section 7.50(b)(68.3), due to the renumbering of Section 5.00(b). This proposed regulation change will clarify conflicting regulations and reduce public confusion.

In Shasta County, Section 5.00(b)(7), allows for a year round black bass open season, while Section 7.00(b)(4), limits the trout fishing season on Big Lake to the last Saturday in April through November 15. Big Lake is fed by a series of artesian springs along its north shore in the vicinity of Ahjumawi Lava Springs State Park. The water temperature in winter months is warmer where the water flows from these springs and largemouth bass use this area as a thermal refuge. Local anglers have discovered this phenomenon and have been targeting largemouth bass during the trout fishing closure specified in Section 7.00(b)(4) which is intended to protect Fall River trout stocks. There is no biological evidence suggesting that the angling activity occurring at Big Lake has had any effect on Fall River trout populations. This regulation proposal will allow a winter catch and release fishery (November 16 through the last Friday in April) for black bass on Big Lake. Department of Fish and Game Enforcement staff and the local angling community are in support of the proposed regulation change. The proposal will remove Big Lake from the Shasta County black bass regulations in Section 5.00 (b)(7) and place it in the Individual Bodies of Water section under a new Section 5.00(b)(9), with a season that runs from the last Saturday in April through November 15, with a 12" minimum size limit, daily bag of 5 and November 16 through the last Friday in April, daily bag limit of 0. This proposed regulation changes clarifies conflicting regulations, reduces public confusion, provides angling opportunity with negligible impacts on other aquatic resources, and improves enforceability of the regulations.

In Modoc County, Big Sage Reservoir is incorrectly identified as "Sage Reservoir" in Section 5.00(b)(4). The Big Sage Reservoir is the only correct name as shown on the Modoc National Forest and United States Geological Survey Quad series maps. This proposed regulation change would change the name to Big Sage Reservoir to provide consistency with identification of this body of water.

Minor changes are proposed to improve the clarity of the regulations.

# **Regulatory Language**

### Section 5.00 is amended to read:

#### 5.00. Black Bass.

It is unlawful to take or possess black bass except as provided below:

(Note: Some waters are closed to all fishing under Section 7.50.)

- (a) General Statewide Restrictions:
- (1) Lakes/Reservoirs and the Sacramento-San Joaquin Delta: The following waters, except for those listed in subsection (b) Special Regulations (below), are open to fishing all year, with a 12-inch minimum size limit and a five-fish daily bag limit: All lakes and reservoirs in the State, and the Sacramento-San Joaquin River Delta, (see Section 1.71 for definition of the Delta).
- (2) Rivers/Streams and Private Ponds: Rivers, streams, canals, and lakes or ponds entirely on private lands, which are not listed in subsection (b) Special Regulations (below), are open all year with no size limit and a five-fish daily bag limit.

(b) Special Regulations: Counties and individual waters listed below are those having regulations different from the General Statewide Restrictions in subsection (a) above).

	Area or Body of Water	Open	Size	Bag
	DISTRICTS AND COUNTIE SPECIAL REGULATIO		(total length)	Limit
(1)	Colorado River District All waters (Bag and size limits conform with Arizona regulations.)	All year.	13-inch minimum.	6
(2)	Inyo County: all streams in addition to the lakes Lak es are also covered by the (a)(1) General Statewid e Restrictions above. (Also, see the special regulati on for Haiwee Reservoir.) east of Highway 395 from the southern Inyo County line north to the junction of Highway 6 and east of Highway 6 to the Mono County line.	All year.	12-inch minimum.	5
	The remaining streams of Inyo County, except those waters listed in sections 7.50(b)(82) and 7.50(b)(134).	Last Saturday in Apı through Nov. 15.	12-inch minimum.	<u>5</u>
	All Lakes, Big Pine Canal, Fish Spring Canal, and Millpond.	All year.	12-inch minimum.	<u>5</u>
(3)	Lassen County: all waters.	All year.	No size limit.	5
(4)	Modoc County: all waters except Dorris and <u>Big</u> Sage Reservoirs (see (a)(1) General Statewide Restrictions (above) for these two lakes).	All year.	No size limit.	10
(5)	Mono County: all waters-except for Fish Slough listed in these regulations and those waters listed as closed to all fishing in Section 7.50.	through Nov. 15.	No size limit.	5
(6)	Plumas County: all waters.  Shasta County: all lakes except Big, Britton, Shasta	All year. All year.	No size limit. No size limit.	5 5
(7)	and Whiskeytown lakes (see subsection (a)(1) above for these four three lakes).  INDIVIDUAL BODIES OF WAS SPECIAL REGULATION.	ATER WITH	NO SIZE IIIIIL.	J
(8)	Barrett Lake (San Diego County). (Also see Section 2.08)	All year.	No black bass shal I be possessed.	0
<u>(9)</u>	Big Lake (Shasta County)(see also Section 7.00(b(4))	Last Saturday in Apı through Nov. 15. Nov. 16 through last		<u>5</u>
		Friday in April.	l be possessed.	≅
( <del>9</del> 10)	Casitas Lake (Ventura County).	All year.	12-inch minimum. No more than one over 22 inches.	5
( <del>10</del> 11)	Castaic Lake (Los Angeles County).	All year.	18-inch minimum.	2
( <del>11</del> 12)	Cuyamaca Lake (San Diego County).	All year.	No size limit No smallmouth bass shall be possessed.	5
( <del>12</del> 13)	Diamond Valley Lake, (Riverside County)	All year.	Largemouth bass1 5-inch minimum	5
			No smallmouth bass shall be possessed	0
( <del>13</del> 14)	Eastman Lake (Madera and Mariposa Cos.) (Note: See Section 7.50(b)(62) for special area closures).	All year.	22-inch minimum.	1
( <del>14<u>15</u>)</del> ( <del>15</del> <u>16</u> )	El Capitan Reservoir (San Diego County). Fish Slough (Mono County), except the fenced portions of Fish Slough within Owens Valley Native Fishes Sanctuaries and BLM Spring, which are closed to all fishing all year.	All year. All year.	15-inch minimum. No size limit.	5 5

	Area or Body of Water	Open Season	Size (total length)	Bag Limit
<del>(16)</del>	Haiwee Reservoir (Inyo County).	All year.	12-inch minimum.	2
(17)	Hensley Lake (Madera County).	All year.	15-inch minimum	2
(18)	Hodges Lake (San Diego County).	All year.	15-inch minimum.	5
(19)	Isabella Lake (Kern County).	All year.	15-inch minimum.	2
(20)	Kaweah Reservoir (Tulare County).	All year.	15-inch minimum.	2
(21)	Lett's Lake (Colusa County).	All year.	No size limit.	5
(22)	McClure Reservoir (Mariposa County).	All year.	None between 12 and 15 inches.	5
(23)	Millerton Reservoir (Fresno and Madera counties).	All year.	None between 12 and 15 inches.	5
(24)	Oroville Lake (Butte County).	All year.	None between 12 and 15 inches.	5
(25)	Orr Lake (Siskiyou County).	All year.	None between 12a nd 15 inches	5
(26)	Plaskett Meadows lakes, upper and lower (Glenn County).	All year.	No size limit.	5
(27)	Shaver Lake (Fresno County).	All year.	No size limit.	5
(28)	Silverwood Lake (San Bernardino County).	All year.	15-inch minimum.	2
(29)	Siskiyou Lake (Siskiyou County).	All year.	None between 12 and 15 inches.	5
(30)	Skinner Lake (Riverside County).	All year.	15-inch minimum.	2
(31)	Success Reservoir (Tulare County).	All year.	15-inch minimum.	2
(32)	Trinity Lake (Trinity County).	1: March 1 through May 31	12-inch minimum.	2
		2: June 1 through Feb. 29	12-inch minimum.	5
(33)	Trout Lake (Siskiyou (County).	Only weekends	22-inch minimum.	1
, ,	•	and Wednesdays	Only artificial lures	
		from the last Saturday in April through Sept. 30.	may be used.	
(34)	Upper Otay Lake (San Diego County). (Also see Section 2.08).	All year.	No black bass shall be possessed.	0

NOTE: Authority cited: Sections 200, 202, 205, 215 and 220, Fish and Game Code. Reference: Sections 200, 205 and 206, Fish and Game Code.

<b>§5.05.</b>	Bullfrogs. (No Change)
§5.10.	Candlefish or Eulachon. (No Change)
§5.15.	Catfish and Bullheads. (No Change)
§5.20.	Clams, Freshwater. (No Change)
§5.25.	Corvina in the Salton Sea. (No Change)
§5.30.	Crappie. (No Change)
§5.35.	Crayfish. (No Change)
§5.37.	Grass Carp. (No Change)
<b>§5.40.</b>	Lamprey. (No Change)

**§5.45.** 

Marine Fin Fish, Mollusks and Crustaceans. (No Change)

§5.50. Mountain Whitefish. (No Change)
§5.51 Northern Pike (No Change)
§5.60 Reptiles. (No Change)
§5.65. Shad, American. (No Change)
§5.70. Spiny Softshell Turtle in the Colorado River District. (No Change)
§5.75. Striped Bass. (No Change)
§5.80. Sturgeon.

### Informative Digest/Policy Statement Overview - DFG

California's green sturgeon and white sturgeon support a popular sport fishery in the San Francisco Estuary and Sacramento-San Joaquin River System and a lesser fishery in the ocean. Green sturgeon and white sturgeon are prone to overfishing due to their life-histories and behavior. Their numbers are also subject to decline attributable to habitat loss and habitat degradation. White sturgeon (in particular) are subject to organized poaching and illegal commercialization of their highly-valuable eggs and flesh.

Current fishing regulations for these two sturgeon species provide a year-round fishery, a daily bag and possession limit of one fish, a size limit of 46 to 72 inches total length, and area and seasonal closures. These regulations do not differentiate between different life histories and population status, ignore the population-effects of varying production of young sturgeon, can not manage the boom-and-bust character of the fishery, and make it difficult to deter poaching and illegal commercialization.

The Department of Fish and Game (Department) is proposing regulations which will facilitate existing efforts to improve California's sturgeon populations and protect the sturgeon fishery by improved habitat, better fish passage, increased population and fishery monitoring, effective enforcement, and comprehensive coordination with the public.

The proposed regulations include a size limit for white sturgeon of 46 to 60 inches total length, no retention of green sturgeon, a daily bag limit of one white sturgeon, an annual bag limit three white sturgeon, no authorization of boat limits when sturgeon fishing in ocean waters, and an annual sturgeon report card with tags.

If the regulations proposed here are implemented and substantially enforced, the fundamental character of California's sturgeon fishery will be preserved while important additional fishery management, population management, and anti-poaching measures will be effected.

<u>Section 1.62, Title 14, CCR:</u> Section 1.62 addresses handling requirements for fish to be released due to size restrictions. However, Section 1.62 references only handling of fish that are less than the legal size.

The proposed amendment to Section 1.62 would extend the protections now afforded fish less than legal size to fish greater than legal size. Handling requirements afforded fish – particularly sturgeon – greater than legal size are basic conservation measures designed to minimize stress and mortality to captured fish that must be released.

<u>Sections 5.80 and 27.90, Title 14, CCR:</u> These sections limit retention of sturgeon for inland (Section 5.80) and ocean (Section 27.90) waters. The current sections do not differentiate between white sturgeon and green sturgeon.

The proposed amendment removes green sturgeon to their own section and includes measures to improve white sturgeon spawning potential, population resiliency, fishery data, and anti-poaching efforts:

- a white sturgeon size limit of 46 to 60 inches total length,
- a 3-fish-per-year white sturgeon bag limit,
- specific requirements for a Sturgeon Fishing Report Card, and

• a requirement to apply tags to retained white sturgeon.

The size limit would protect approximately 12 year-classes of sturgeon from harvest during a period when female sturgeon of this size and age have tremendous reproductive potential.

The 3-fish annual bag limit would allocate the sturgeon resource more-equitably and reduce the incentive for illegal commercialization of sturgeon.

The report card with tags would be necessary to enforce the annual bag limit and to collect much-needed information on catch of sturgeon by anglers. Because enforcement of the annual bag limit and collection of catch data are both very important, possession of the card and use of the tags would be required of children and other potentially non-licensed anglers (e.g., those participating fishing from piers). These potentially non-licensed anglers were recently estimated at about 16 % of all anglers in marine waters during 2004 and 2005.

Sturgeon Fishing Report Card Requirements

- Any person fishing for sturgeon shall have in their possession a nontransferable Sturgeon Fishing Report Card issued by the department
- This includes anglers who are under 16 years of age, anglers who are fishing from a public pier, and anglers who hold a lifetime fishing license. Anglers who are under 16 years of age may purchase a sturgeon fishing report card without purchasing a sport fishing license.
- A Sturgeon Fishing Report Card shall be valid for the calendar year as shown on the report card.
- No person may purchase more than one Sturgeon Fishing Report Card per year or possess any Sturgeon Fishing Report Card other than their own.
- Anglers must return their card by January 31 of the following year shown on the report card to the address specified on the Sturgeon Fishing Report Card.
- If the angler holds a sport fishing license, the report card number shall be entered in ink on the angler's sport fishing license, and the sport fishing license number shall be entered in ink on the report card on the appropriate line.
- Whenever the cardholder catches a sturgeon, whether the fish is retained or released, the cardholder shall use a ball point pen to immediately record on the Sturgeon Fishing Report Card all of the following information: month and day, catch location, and species of sturgeon. If a white sturgeon is retained, the total length of the fish must also be recorded on the report card immediately.

Sturgeon Tagging Requirements

- A Sturgeon Fishing Report Card includes three tags that are to be used to tag any white sturgeon that is retained.
- After retaining a white sturgeon the date the fish is taken shall be immediately recorded on the tag with a ball point pen.
- The angler shall immediately attach the tag to the body of the white sturgeon, and leave the tag in place until the fish is processed, steaked, or filleted for consumption and stored at a residence or non-transient location.

<u>Sections 5.81 and 27.91, Title 14, CCR:</u> This action would create sections specific to green sturgeon for inland (Section 5.81) and ocean (Section 27.91) waters, eliminate retention of green sturgeon, and complement the proposals to amend sections 5.80 and 27.90 so that it addresses only limits to white sturgeon retention.

<u>Section 27.60, Title 14, CCR:</u> This section limits retention of sturgeon in ocean waters. With regards to sturgeon, it is simply a table that reiterates information in Section 27.90.

The proposed amendment would make contents of the table consistent with Section 27.90 and no authorization of boat limits while sturgeon fishing in ocean waters to align with proposed Section 195 changes. Furthermore, the amendment would complement the proposed establishment of Section 27.91 on green sturgeon retention.

<u>Section 27.95, Title 14, CCR:</u> This section limits take of sturgeon in an area of San Francisco Bay between January 1 and March 15. The proposed amendment is a slight wording change that would complement the proposed changes to sections 27.90 and 27.91.

<u>Section 195, Title 14, CCR:</u> This section contains the regulations for boat limits in ocean waters. The proposed amendment has no authorization of boat limits while sturgeon fishing in ocean waters to ensure accurate data is collected from the report cards.

<u>Section 701, Title 14, CCR:</u> This section contains regulatory form numbers that are incorporated by reference and their fees which are adjusted annually pursuant to the provisions of Section 699, Title 14, CCR.

The proposed amendment provides the annual fee updates for the Declaration for Multi-Day Fishing Trip, Permit Authorizing Transit of a Recreational Fishing Vessel Through Areas Closed to Fishing (Annual and 30 days or less) forms, adds 2007 Salmon Punch Card and 2007 Steelhead Fishing Report and Restoration Card form numbers and fees to this section, reflects the required changes made to sections 5.80 and 27.90 for the Sturgeon Fishing Report Card.

The Sturgeon Fishing Report Card fee will range from \$0 to \$7.50, which are the minimum and maximum permit prices that the Department can charge without legislation. The final fee will be determined from report card printing and administration costs, final funding source, the projected anglers and a 5% license agent handling fee calculated pursuant to Fish and Game Code 1055(b).

Minor changes were made to improve the clarity of the regulations.

## **Regulatory Language**

Section 5.80, Title 14, CCR, is amended as follows:

# 5.80. White Sturgeon.

- (a) Open season: All year, except for closures listed under special regulations.
- (b) Daily and annual bag limit: One fish per day. Three fish per year statewide.
- (c) Size limit: No fish less than 46 inches total length or greater than 72 60 inches total length may be taken or possessed.
- (d) Methods of take: The sturgeon must voluntarily take the bait or lure in its mouth. No sturgeon may be taken by trolling, snagging or by the use of firearms. Sturgeon may not be gaffed, nor shall any person use any type of firearm to assist in landing or killing any sturgeon.
- (e) Report card: Any person fishing for sturgeon shall have in their possession a nontransferable Sturgeon Fishing Report Card issued by the department.
- (1) Report card requirements.
- (A) Notwithstanding other statutes and regulations that exempt sport fishing license requirements, a Sturgeon Fishing Report Card is required for any person fishing for sturgeon. This includes anglers who are under 16 years of age, anglers who are fishing from a public pier, and anglers who hold a lifetime fishing license. Anglers who are under 16 years of age may purchase a sturgeon fishing report card without purchasing a sport fishing license.
- (B) A Sturgeon Fishing Report Card shall be valid for the calendar year as shown on the report card.
- (C) Notwithstanding other statutes and regulations, no person may purchase more than one Sturgeon Fishing Report Card per year or possess any Sturgeon Fishing Report Card other than their own.
- (D) The form number and fee for a Sturgeon Fishing Report Card are specified in Section 701.
- (E) Anglers must return their card by January 31 of the following year shown on the report card to the address specified on the Sturgeon Fishing Report Card.
- (2) Completion procedures.
- (A) Upon purchase of the Sturgeon Fishing Report Card, if the angler is required to hold a sport fishing license, the report card number shall be entered in ink on the angler's sport fishing license, and the sport fishing license number shall be entered in ink on the report card on the appropriate line.
- (B) Whenever the cardholder catches a sturgeon, whether the fish is retained or released, the cardholder shall use a ball point pen to immediately record on the Sturgeon Fishing Report Card all of the following information: month and day, catch location, and species of sturgeon. If a white sturgeon is retained, the total length of the fish must also be recorded immediately on the report card.
- (C) If all lines in the "sturgeon released" field of the report card are filled, any additional sturgeon caught and released need not be recorded on the card.
- (f) Tagging Requirements: A Sturgeon Fishing Report Card includes three tags that are to be used to tag any white sturgeon that is retained.
- (1) After retaining a white sturgeon the date the fish is taken shall be immediately recorded on the tag with a ball point pen.

- (2) The angler shall immediately attach the tag to the body of the white sturgeon, and leave the tag in place until the fish is processed, steaked, or filleted for consumption and stored at a residence or non-transient location.
- (g) Special North Coast District Sturgeon Closure (Humboldt, Del Norte, Trinity and Siskiyou cos.). It is unlawful to take any sturgeon in the North Coast District at any time.
- (h) For regulations on take and possession of sturgeon in ocean waters as defined in Section 27.00, see Sections 27.90, 27.91, and 27.95.

NOTE:

Authority cited: Sections 200, 202, 205, and 220, Fish and Game Code. Reference: Sections 200, 205 and 206, Fish and Game Code.

### §5.81. NEW - Green Sturgeon.

### Informative Digest/Policy Statement Overview - DFG

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<u>Sections 5.80 and 27.90, Title 14, CCR:</u> These sections limit retention of sturgeon for inland (Section 5.80) and ocean (Section 27.90) waters. The current sections do not differentiate between white sturgeon and green sturgeon.

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  report card without purchasing a sport fishing license.
- A Sturgeon Fishing Report Card shall be valid for the calendar year as shown on the report card.
- No person may purchase more than one Sturgeon Fishing Report Card per year or possess any Sturgeon Fishing Report Card other than their own.
- Anglers must return their card by January 31 of the following year shown on the report card to the address specified on the Sturgeon Fishing Report Card.
- If the angler holds a sport fishing license, the report card number shall be entered in ink on the angler's sport fishing license, and the sport fishing license number shall be entered in ink on the report card on the appropriate line.
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  fish must also be recorded on the report card immediately.

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The proposed amendment would make contents of the table consistent with Section 27.90 and no authorization of boat limits while sturgeon fishing in ocean waters to align with proposed Section 195 changes. Furthermore, the amendment would complement the proposed establishment of Section 27.91 on green sturgeon retention.

<u>Section 27.95, Title 14, CCR:</u> This section limits take of sturgeon in an area of San Francisco Bay between January 1 and March 15. The proposed amendment is a slight wording change that would complement the proposed changes to sections 27.90 and 27.91.

<u>Section 195, Title 14, CCR:</u> This section contains the regulations for boat limits in ocean waters. The proposed amendment has no authorization of boat limits while sturgeon fishing in ocean waters to ensure accurate data is collected from the report cards.

<u>Section 701, Title 14, CCR:</u> This section contains regulatory form numbers that are incorporated by reference and their fees which are adjusted annually pursuant to the provisions of Section 699, Title 14, CCR.

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Minor changes were made to improve the clarity of the regulations.

### **Regulatory Language**

## Section 5.81, Title 14, CCR, is added as follows:

### 5.81. Green Sturgeon.

§6.37.

(a) Green sturgeon may not be taken or possessed.

(b) Green sturgeon taken and released incidentally to white sturgeon fishing shall be reported on a Sturgeon Fishing Report Card issued by the department, in accordance with procedures defined in Subsection 5.80(e), Title 14, CCR. The form number and fee for a Sturgeon Fishing Report Card are specified in Section 701. NOTE: Authority cited: Sections 200, 202, 205, and 220, Fish and Game Code. Reference: Sections 200, 205 and 206, Fish and Game Code.

§5.82.	Sunfish and Tilapia. (No Change)
§5.85.	Trout and Salmon. (No Change)
§5.86.	Hoopa and Yurok Indian Salmon Possession Limit. (No Change)
<b>§5.90.</b>	White Bass. (No Change)
<b>§5.93.</b>	Fully Protected Fish. (No Change)
§5.95.	Other Species. (No Change)
§6.31.	North Coast District Definition. (No Change)
§6.32.	North Central District Definition. (No Change)
§6.33.	South Central District Definition. (No Change)
§6.34.	Southern District Definition. (No Change)
§6.35.	Sierra District Definition. (No Change)
§6.36.	Valley District Definition. (No Change)

Colorado River District Definition. (No Change)

### §7.00. District General Regulations.

### Informative Digest/Policy Statement Overview - DFG

In 2004, the Fish and Game Commission (Commission) established an open winter season (November 16 through the Friday preceding the last Saturday in April) for 38 miles of the Upper Sacramento River with a zero-bag limit and restrictions to artificial lures with barbless hooks. For the past two winters, the open season on the Upper Sacramento River has been well received by the local communities and has been popular among trout anglers. Surveys indicated that almost two-thirds of the anglers traveled more than 75 miles to fish the Upper Sacramento winter season. The Department of Fish and Game (Department) has recognized that there is an interest for additional trout fishing opportunity in the winter months.

Consistent with the Department's Mission and the Strategic Plan for Trout Management, these proposed regulations are intended to improve and enhance trout fishing opportunities. In addition, Fish and Game Code Section 1727(b) directs the Department to: "...Consider making proposals for zero-limit trout fisheries during seasons otherwise closed by the Commission." The Department's Fisheries Management Committee has recommended pursuing additional opportunities for anglers to fish the winter season on Sierra District streams that have been closed in the past.

Fishery managers have determined that winter season catch-and-release trout fishing with artificial lures and barbless hooks has insignificant, often undetectable impacts to trout populations. Already low hooking mortality rates with artificial lures may be further diminished in winter due to cooler water temperatures. Department surveys conducted on the Upper Sacramento River during the 2004-2005 winter season estimated incidental hooking mortality of only 242 trout for the 38 miles of stream. Many "Blue Ribbon" streams and trout streams of national significance in the mountainous regions of other western states continue to provide winter season fisheries.

This proposal recommends the establishment of catch-and-release winter season fisheries for a selection of Sierra District streams listed in sections 7.50 and 7.00, Title 14, California Code of Regulations (CCR). These streams are:

- 1. American River and tributaries, Section 7.00(b)(6)
- 2. East Fork Carson River, Section 7.50(b)(38)
- 3. Hot Creek, Section 7.50(b)(78)
- 4. Little Truckee River, Section 7.50(b)(103.5)
- 5. Upper Owens River, Section 7.50(b)(134)
- 6. Pit River, Section 7.50(b)(141)
- 7. Truckee River, Section 7.50(b)(196)
- 8. Tuolumne River, Section 7.50(b)(198)
- 9. East Walker River, Section 7.50(b)(205)
- 10. North Fork Yuba River, Section 7.50(b)(211)

Along with the proposed winter season fishery on the Tuolumne River (Section 7.50(b)(198)), the Department recommends a minor change to simplify the size limits (which apply to the existing open season) and make them consistent with the fishery management goal for this river. This proposal would change the existing 12-inch minimum size limit to a 12-inch maximum size limit for a 12-mile reach of the Tuolumne River. This simplifying change makes both size limits consistent with the goal of providing "trophy—size" wild trout angling. Both river reaches would continue to have a two-trout limit during the last Saturday in April through November 15 season.

Also, along with the proposed winter season fishery for the North Fork Yuba River (Section 7.50(b)(211)), the Department recommends eliminating the 10-inch minimum size limit which applies during the existing open season. This stretch of the river has a two-trout bag limit, is managed primarily for wild trout, and has a low harvest rate. The Department believes that the reduced bag limit with gear restrictions is sufficient to maintain a quality wild trout fishery. Allowing anglers to take two trout less than 10 inches will not significantly impact the population, making the 10-inch minimum size restriction unnecessary.

Minor changes are proposed to improve the clarity of the regulations.

### **Regulatory Language**

### Section 7.00(b), Title 14, CCR is amended as follows:

## 7.00. District General Regulations.

Unless otherwise provided, waters shown as open to trout and salmon fishing in subsections (a) through (g) below, are open to fishing for other species. Every body of water listed in subsections (a) through (g) of Section 7.00 (below) is closed to all fishing, except during the open season as shown. Unless otherwise provided, waters closed to trout and salmon fishing are closed to fishing for all other species, except that these closures do not apply to fishing for amphibians (see Section 5.05), freshwater clams (see Section 5.20), crayfish (see Section 5.35), and lamprey (see Section 5.40), using fishing methods other than hook-and-line fishing. Daily bag and possession limits, unless otherwise provided, mean the total number of trout and salmon in combination. Unless otherwise provided, no more than one daily bag limit may be possessed. Silver (coho) salmon may not be taken in any of the waters of the State, except in Lake Oroville. Incidentally hooked Silver (coho) salmon, except those in Lake Oroville, must be immediately released unharmed to the waters where they are hooked. In waters where the bag limit for trout or salmon is zero, fish for which the bag limit is zero must be released unharmed, and should not be removed from the water.

District/Water	Open Season	Daily Bag and Possession Limit
(a) North Coast District		Littie
(1) No trout or salmon may be taken in the North Coast District except as provided in subsection (2), (3) and (4) below and the Alphabetical List of Waters with Special Regulations.		
(2) All lakes and reservoirs except those listed by name in the Special Regulations.	All year.	5 per day 10 in possession
(3) Anadromous waters of the Klamath and Trinity River Systems, and those entering the ocean south of Humboldt Bay, which are not listed in the Special Regulations.	Closed to all fishing all year.	
(4) All anadromous waters tributary to Humboldt Bay, and north of Humboldt Bay, except those of the Klamath and Trinity river systems and those listed by name in the Special Regulations.	Fourth Saturday in May through Oct. 31. Only artificial lures with barbless hooks may be used.	0
(5) All streams except anadromous waters and those listed by name in the Special Regulations.	Last Saturday in Apr. through Nov. 15.	5 trout per day, 10 in possession
(NOTE: A list of the non-anadromous waters opened to trout fishing (STREAMS NOT LISTED IN THE SPECIAL REGULATIONS THAT AFT THE LAST SATURDAY IN APRIL THROUGH NOVEMBER 15 (New reference herein) is available from the Department's Region 1 Office, (Telephone: (530) 225-2300).	RE OPEN TO TROUT F 6-12-98), which is incor	FISHING FROM porated by
(6) SPECIAL BROOK TROUT BONUS BAG AND POSSESSION LIM LESS THAN 8 INCHES TOTAL LENGTH MAY BE TAKEN AND POS DAILY BAG AND POSSESSION LIMITS SPECIFIED FOR THE NOR	SESSED IN ADDITION	TO THE OTHER
(b) Sierra District  (1) Anadromous waters of Tehama and Shasta counties not listed in the Special Regulations. (Section 7.50). (See subsection (b)(156) of Section 7.50, regarding the Sacramento River.)	Last Saturday in Apr. through Nov. 15. Only artificial lures and barbless hooks may be used.	0
(2) All lakes and reservoirs except those in the Fall River Valley, those in Inyo and Mono counties and those listed by name in the Special Regulations.	All year.	5 per day 10 in possession
(3) All streams, lakes and reservoirs in Inyo and Mono counties,	Last Saturday	5 per day 10 in

except those listed by name in the Special Regulations.	in Apr. through Nov.	possession
, , , , , , , , , , , , , , , , , , , ,	15.	
(4) All streams, lakes and reservoirs in the Fall River Valley above	Last Saturday	2
the Pit No. 1 Powerhouse on Fall River in Shasta County, except	in Apr. through	
those listed by name in the Special Regulations.	Nov. 15.	
(5) All streams in Lassen and Modoc counties east of Highway 395	Saturday preceding	5 per day 10 in
and north of Clarks Valley Road. Clarks Valley Road is defined as	Memorial Day	possession
those portions of county routes 510, 512 and 506 running easterly	through November.	
from the town of Madeline to the Nevada border.	15.	
(6) American River, North Fork, Middle Fork, South Fork and their	Last Saturday in	<u>5 per day 10 in</u>
tributaries within the Sierra District (Placer, Eldorado, Amador, and	Apr. through Nov.	<u>possession</u>
Alpine cos.)	<u>15.</u>	
	Nov. 16 through the	<u>0</u>
	Friday preceding the	
	last Saturday in Apr.	
	Only artificial lures with barbless hooks	
	may be used.	
(6) (7) All other streams except	Last Saturday	5 per day 10 in
(o) 111 / ill other streams except	in Apr.	possession
(7) (8) Mono County waters, when closed to trout fishing, are closed	штүрт.	POOGOOGION
to all fishing, except for the unrestricted portions of Fish Slough		
which are open to fishing all year. Also, see subsection (b)(68.3)		
of Section 7.50 and subsection (b)(15) of Section 5.00.		
(8) (9) SPECIAL BROOK TROUT BONUS BAG AND POSSESSION	LIMIT:	I
(A) IN SIERRA DISTRICT WATERS OF SISKIYOU, SHASTA AND T		P TO 10 BROOK
TROUT PER DAY LESS THAN 8 INCHES TOTAL LENGTH MAY BE		
TO THE OTHER DAILY BAG AND POSSESSION LIMITS SPECIFIE		
(B) IN THE SIERRA DISTRICT SOUTH OF INTERSTATE 80, UP TO		
THAN 10 INCHES TOTAL LENGTH MAY BE TAKEN AND POSSESS		
BAG AND POSSESSION LIMITS SPECIFIED FOR THE SIERRA DIS	STRICT THIS ALLOWA	NOT BOTO NOT
1 2.13 , 1142 I GGGLGGIGIA ENVILLO DI LON ILLO I OIX TITL DILIVINA DI	STRICT. THIS ALLOWA	ANCE DOES NOT
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INCLUDE RED LAKE IN ALPINE COUNTY OR KIRMAN, LAND OR I  (c) North Central District  (1) All lakes and reservoirs except those listed by name in the Special Regulations.	ROOSEVELT LAKES II All year.	N MONO COUNTY
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INCLUDE RED LAKE IN ALPINE COUNTY OR KIRMAN, LAND OR IT (c) North Central District  (1) All lakes and reservoirs except those listed by name in the Special Regulations.  (2) All streams except those listed by name in the Special Regulations.	All year.  Closed to all fishing all year.	N MONO COUNTY
INCLUDE RED LAKE IN ALPINE COUNTY OR KIRMAN, LAND OR II  (c) North Central District  (1) All lakes and reservoirs except those listed by name in the Special Regulations.  (2) All streams except those listed by name in the Special Regulations.  (3) The tidewaters of all streams except those listed by name in the	All year.  Closed to all fishing all year.  Closed to all fishing	N MONO COUNTY
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INCLUDE RED LAKE IN ALPINE COUNTY OR KIRMAN, LAND OR I  (c) North Central District  (1) All lakes and reservoirs except those listed by name in the Special Regulations.  (2) All streams except those listed by name in the Special Regulations.  (3) The tidewaters of all streams except those listed by name in the Special Regulations  (d) Valley District  (1) All lakes and reservoirs except those listed by name in the	All year.  Closed to all fishing all year.  Closed to all fishing	N MONO COUNTY
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INCLUDE RED LAKE IN ALPINE COUNTY OR KIRMAN, LAND OR (c) North Central District  (1) All lakes and reservoirs except those listed by name in the Special Regulations.  (2) All streams except those listed by name in the Special Regulations.  (3) The tidewaters of all streams except those listed by name in the Special Regulations  (d) Valley District  (1) All lakes and reservoirs except those listed by name in the Special Regulations.  (2) All anadromous waters except those listed by name in the Special Regulations (See definition of anadromous waters, Section 1.04).  (3) All streams except anadromous waters and those listed by name in the Special Regulations  (e) South Central District  (1) All lakes and reservoirs except those listed by name in the Special Regulations.  (2) That portion of any stream west of any Highway 1 bridge except those listed by name in the special regulations.	All year.  Closed to all fishing all year.  Closed to all fishing all year.  Closed to all fishing all year.  All year.  All year  All year  Dec. 1 through Mar. 7, but only on Sat., Sun., Wed., legal holidays and opening and closing days. Only barbless hooks may be used.	5

(4) All other streams and portions of streams except those listed in	Closed to all fishing	
subsection (e)(2) above or by name in the Special Regulations.	all year	
(f) Southern District		
(1) All lakes and reservoirs except those listed by name in the	All year.	5
Special Regulations.		
(2) All streams except anadromous waters in San Diego County,	All year. Only	2
and except those listed by name in the Special Regulations.	artificial lures with	
	barbless hooks may	
	be used.	
(3) All streams except anadromous waters in Los Angeles, Ventura,	All year	5
Santa Barbara, Orange, San Bernardino and Riverside Counties,		
and except those listed by name in the Special Regulations.		
(4) All anadromous waters except those listed by name in the	Closed to all fishing	
Special Regulations (See definition of anadromous waters, Section	all year.	
1.04)		
(5) All streams and tributaries (except those listed by name in the		
Special Regulations) above Twitchell Dam on the Cuyama River,		
above Bradbury Dam and below Gibraltar Dam on the San Ynez		
River; Robles Diversion Dam on the Ventura River; and Rindge		
Dam on Malibu Creek.		
(g) Colorado River District	T A11	140
(1) The Colorado River and its back waters	All year	10
(2) All other waters	All year	5

#### NOTE

Authority cited: Sections 200, 202, 205, 220 and 240, Fish and Game Code. Reference: Sections 200, 205 and 206, Fish and Game Code.

## **Informative Digest/Policy Statement Overview**

Currently Section 7.00(c)(3), Title 14, California Code of Regulations (CCR), states the tide waters of all streams except those listed by name in the Special Regulations are closed to fishing all year in the North Central District. If a person were to only look at this section in the regulations, without first looking at sections 6.32, 1.53 and 27.00, they would think the tide waters of all streams in this district were closed to fishing.

Additional language needs to be added to this section referring readers to look at the definition of inland waters as well as the definition of the Ocean and San Francisco Bay District. Once these two definitions are read it is clear that the tide waters of streams entering into the Ocean and San Francisco Bay district waters are open to fishing.

There are several popular fishing areas along rivers that have tidal waters within the North Central District. By adding a sentence directing readers to these two definitions, it would clarify what tidal influenced waters were open to fishing for both the public and enforcement officers.

Currently Section 7.00(f)(5), Title 14, CCR, has Robles Diverson Dam as the upper limt of anadromy on the Ventura River. A fish ladder and fishway for passing federally-endangered Southern steelhead was completed on the Robles Diversion Dam in Fall, 2003 through a joint effort by the Bureau of Reclamation, Casitas Municipal Water District (CMWD), National Marine Fisheries Service (NMFS), California Coastal Conservancy and the Department. In Spring, 2005, CalTrout requested that the Commission consider adoption of an emergency regulation change closing the waters between the Robles Diversion and the next barrier to anadromy, which is located at the Wheeler Gorge Campground in the Los Padres National Forest. In Summer, 2005, Department staff conducted snorkel surveys of the area and found numerous juvenile and adult trout but found no evidence of ocean-run fish. In Spring, 2006, CMWD biologists submitted video evidence to the Department and NMFS showing adult steelhead passing through the fish ladder following several storm events. The video images have been verified to be adult steelhead returning to the Ventura River from the ocean by NMFS and Department staff.

Section 7.00(f)(5) allows trout to be taken for sport in all streams and tributaries (except those listed by name in the Special Regulations) above Twitchell Dam on the Cuyama River, above Bradbury Dam and below

Gibraltar Dam on the Santa Ynez River, Robles Diversion on the Ventura River, and Rindge Dam on Malibu Creek. Current regulation also specifies the season and bag limit.

The proposed regulatory change will expand the closed waters on the Ventura River from the Robles Diversion to the base of Matilija Dam on Matilija Creek and to the Wheeler Gorge Campground operated by the United States Forest Service on North Fork Matilija Creek in Ventura County. The change will result in approximately 4 miles of stream being closed for the protection of Southern steelhead, which is listed as a federally-endangered species. This change will also make the freshwater sport fishing regulations consistent with the Endangered Species Act and the critical habitat designation on the Ventura River established by the Department of Commerce in August, 2005.

Minor changes are proposed to improve the clarity of the regulations.

### **Regulatory Language**

### Subsections (c)(3) and (f)(5), Section 7.00, Title 14, CCR are amended as follows:

# 7.00. District General Regulations.

Unless otherwise provided, waters shown as open to trout and salmon fishing in subsections (a) through (g) below, are open to fishing for other species. Every body of water listed in subsections (a) through (g) of Section 7.00 (below) is closed to all fishing, except during the open season as shown. Unless otherwise provided, waters closed to trout and salmon fishing are closed to fishing for all other species, except that these closures do not apply to fishing for amphibians (see Section 5.05), freshwater clams (see Section 5.20), crayfish (see Section 5.35), and lamprey (see Section 5.40), using fishing methods other than hook-and-line fishing. Daily bag and possession limits, unless otherwise provided, mean the total number of trout and salmon in combination. Unless otherwise provided, no more than one daily bag limit may be possessed. Silver (coho) salmon may not be taken in any of the waters of the State, except in Lake Oroville. Incidentally hooked Silver (coho) salmon, except those in Lake Oroville, must be immediately released unharmed to the waters where they are hooked. In waters where the bag limit for trout or salmon is zero, fish for which the bag limit is zero must be released unharmed, and should not be removed from the water.

District/Water	Open Season	Daily Bag and Possession Limit
(a) North Coast District		
<ul><li>(1) No trout or salmon may be taken in the North Coast District except as provided in subsection (2), (3) and (4) below and the Alphabetical List of Waters with Special Regulations.</li></ul>		
(2) All lakes and reservoirs except those listed by name in the Special Regulations.	All year.	5 per day 10 in possession
(3) Anadromous waters of the Klamath and Trinity River Systems, and those entering the ocean south of Humboldt Bay, which are not listed in the Special Regulations.	Closed to all fishing all year.	
(4) All anadromous waters tributary to Humboldt Bay, and north of Humboldt Bay, except those of the Klamath and Trinity river systems and those listed by name in the Special Regulations.	Fourth Saturday in May through Oct. 31. Only artificial lures with barbless hooks may be used.	0
(5) All streams except anadromous waters and those listed by name in the Special Regulations.	Last Saturday in Apr. through Nov. 15.	5 trout per day, 10 in possession

(NOTE: A list of the non-anadromous waters opened to trout fishing (STREAMS AND PORTIONS OF STREAMS NOT LISTED IN THE SPECIAL REGULATIONS THAT ARE OPEN TO TROUT FISHING FROM THE LAST SATURDAY IN APRIL THROUGH NOVEMBER 15 (New 6-12-98), which is incorporated by reference herein) is available from the Department's Region 1 Office, 601 Locust Street, Redding, CA 96001 (Telephone: (530) 225-2300).

(6) SPECIAL BROOK TROUT BONUS BAG AND POSSESSION LIMIT: UP TO 10 BROOK TROUT PER DAY LESS THAN 8 INCHES TOTAL LENGTH MAY BE TAKEN AND POSSESSED IN ADDITION TO THE OTHER DAILY BAG AND POSSESSION LIMITS SPECIFIED FOR THE NORTH COAST DISTRICT.

1 (b) Ciarra Diatriat		
(b) Sierra District	Lact Caturday in	T n
(1) Anadromous waters of Tehama and Shasta counties not listed	Last Saturday in	0
in the Special Regulations. (Section 7.50). (See subsection	Apr. through	
(b)(156) of Section 7.50, regarding the Sacramento River.)	Nov. 15. Only artificial lures and	
	barbless hooks may	
(O) All I-I as a silver as a large of the silver is the Fell B' as Vella	be used.	5 la 40 '.
(2) All lakes and reservoirs except those in the Fall River Valley,	All year.	5 per day 10 in
those in Inyo and Mono counties and those listed by name in the		possession
Special Regulations.	1 10 1	5 1 40 '
(3) All streams, lakes and reservoirs in Inyo and Mono counties,	Last Saturday	5 per day 10 in
except those listed by name in the Special Regulations.	in Apr. through Nov.	possession
(0.4)	15.	
(4) All streams, lakes and reservoirs in the Fall River Valley above	Last Saturday	2
the Pit No. 1 Powerhouse on Fall River in Shasta County, except	in Apr. through	
those listed by name in the Special Regulations.	Nov. 15.	
(5) All streams in Lassen and Modoc counties east of Highway 395	Saturday preceding	5 per day 10 in
and north of Clarks Valley Road. Clarks Valley Road is defined as	Memorial Day	possession
those portions of county routes 510, 512 and 506 running easterly	through November	
from the town of Madeline to the Nevada border.	15.	
(6) All other streams except	Last Saturday	5 per day 10 in
	in Apr.	possession
(7) Mono County waters, when closed to trout fishing, are closed to		
all fishing, except for the unrestricted portions of Fish Slough which		
are open to fishing all year. Also, see subsection (b)(68.3)		
of Section 7.50 and subsection (b)(15) of Section 5.00Mono		
County waters listed in sections 5.00 and 7.50.		
(8) SPECIAL BROOK TROUT BONUS BAG AND POSSESSION LII	MIT:	
(A) IN SIERRA DISTRICT WATERS OF SISKIYOU, SHASTA AND	TEHAMA COUNTIES, I	UP TO 10 BROOK
TROUT PER DAY LESS THAN 8 INCHES TOTAL LENGTH MAY B	E TAKEN AND POSSE	SSED IN
ADDITION TO THE OTHER DAILY BAG AND POSSESSION LIMIT	S SPECIFIED FOR TH	E SIERRA
DISTRICT.		
(D) IN THE OLEDDA DIOTDIOT COURT OF INTERCTATE CO. U.S. T.		
T (B) IN THE SIERRA DISTRICT SOUTH OF INTERSTATE 80, UP 10	O 10 BROOK TROUT F	PER DAY LESS
(B) IN THE SIERRA DISTRICT SOUTH OF INTERSTATE 80, UP TO THAN 10 INCHES TOTAL LENGTH MAY BE TAKEN AND POSSES		
THAN 10 INCHES TOTAL LENGTH MAY BE TAKEN AND POSSES	SSED IN ADDITION TO	THE OTHER
THAN 10 INCHES TOTAL LENGTH MAY BE TAKEN AND POSSES DAILY BAG AND POSSESSION LIMITS SPECIFIED FOR THE SIE	SSED IN ADDITION TO RRA DISTRICT. THIS	THE OTHER ALLOWANCE
THAN 10 INCHES TOTAL LENGTH MAY BE TAKEN AND POSSES	SSED IN ADDITION TO RRA DISTRICT. THIS	THE OTHER ALLOWANCE
THAN 10 INCHES TOTAL LENGTH MAY BE TAKEN AND POSSES DAILY BAG AND POSSESSION LIMITS SPECIFIED FOR THE SIE DOES NOT INCLUDE RED LAKE IN ALPINE COUNTY OR KIRMAI	SSED IN ADDITION TO RRA DISTRICT. THIS	THE OTHER ALLOWANCE
THAN 10 INCHES TOTAL LENGTH MAY BE TAKEN AND POSSES DAILY BAG AND POSSESSION LIMITS SPECIFIED FOR THE SIE DOES NOT INCLUDE RED LAKE IN ALPINE COUNTY OR KIRMAN MONO COUNTY  (c) North Central District	SSED IN ADDITION TO RRA DISTRICT. THIS , N, LAND OR ROOSEV	O THE OTHER ALLOWANCE ELT LAKES IN
THAN 10 INCHES TOTAL LENGTH MAY BE TAKEN AND POSSES DAILY BAG AND POSSESSION LIMITS SPECIFIED FOR THE SIE DOES NOT INCLUDE RED LAKE IN ALPINE COUNTY OR KIRMAN MONO COUNTY  (c) North Central District  (1) All lakes and reservoirs except those listed by name in the	SSED IN ADDITION TO RRA DISTRICT. THIS	THE OTHER ALLOWANCE
THAN 10 INCHES TOTAL LENGTH MAY BE TAKEN AND POSSES DAILY BAG AND POSSESSION LIMITS SPECIFIED FOR THE SIE DOES NOT INCLUDE RED LAKE IN ALPINE COUNTY OR KIRMAN MONO COUNTY  (c) North Central District  (1) All lakes and reservoirs except those listed by name in the Special Regulations.	SSED IN ADDITION TO RRA DISTRICT. THIS , N, LAND OR ROOSEV All year.	O THE OTHER ALLOWANCE ELT LAKES IN
THAN 10 INCHES TOTAL LENGTH MAY BE TAKEN AND POSSES DAILY BAG AND POSSESSION LIMITS SPECIFIED FOR THE SIE DOES NOT INCLUDE RED LAKE IN ALPINE COUNTY OR KIRMAN MONO COUNTY  (c) North Central District  (1) All lakes and reservoirs except those listed by name in the Special Regulations.  (2) All streams except those listed by name in the Special	SSED IN ADDITION TO RRA DISTRICT. THIS A N, LAND OR ROOSEV All year.	O THE OTHER ALLOWANCE ELT LAKES IN
THAN 10 INCHES TOTAL LENGTH MAY BE TAKEN AND POSSES DAILY BAG AND POSSESSION LIMITS SPECIFIED FOR THE SIE DOES NOT INCLUDE RED LAKE IN ALPINE COUNTY OR KIRMAN MONO COUNTY  (c) North Central District  (1) All lakes and reservoirs except those listed by name in the Special Regulations.  (2) All streams except those listed by name in the Special Regulations.	RRA DISTRICT. THIS AND OR ROOSEV  All year.  Closed to all fishing all year.	O THE OTHER ALLOWANCE ELT LAKES IN
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THAN 10 INCHES TOTAL LENGTH MAY BE TAKEN AND POSSES DAILY BAG AND POSSESSION LIMITS SPECIFIED FOR THE SIE DOES NOT INCLUDE RED LAKE IN ALPINE COUNTY OR KIRMAN MONO COUNTY  (c) North Central District  (1) All lakes and reservoirs except those listed by name in the Special Regulations.  (2) All streams except those listed by name in the Special Regulations.  (3) The tidewaters of all streams except those listed by name in the Special Regulations Note: Some waters within this district are tide	RRA DISTRICT. THIS AND OR ROOSEV  All year.  Closed to all fishing all year.	O THE OTHER ALLOWANCE ELT LAKES IN
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THAN 10 INCHES TOTAL LENGTH MAY BE TAKEN AND POSSES DAILY BAG AND POSSESSION LIMITS SPECIFIED FOR THE SIE DOES NOT INCLUDE RED LAKE IN ALPINE COUNTY OR KIRMAN MONO COUNTY  (c) North Central District  (1) All lakes and reservoirs except those listed by name in the Special Regulations.  (2) All streams except those listed by name in the Special Regulations.  (3) The tidewaters of all streams except those listed by name in the Special Regulations Note: Some waters within this district are tide waters regulated by regulations for the ocean and San Francisco Bay District (see sections 1.53 and 27.00)  (d) Valley District	All year.  Closed to all fishing all year.  Closed to all fishing all year.	THE OTHER ALLOWANCE ELT LAKES IN  5
THAN 10 INCHES TOTAL LENGTH MAY BE TAKEN AND POSSES DAILY BAG AND POSSESSION LIMITS SPECIFIED FOR THE SIE DOES NOT INCLUDE RED LAKE IN ALPINE COUNTY OR KIRMAN MONO COUNTY  (c) North Central District  (1) All lakes and reservoirs except those listed by name in the Special Regulations.  (2) All streams except those listed by name in the Special Regulations.  (3) The tidewaters of all streams except those listed by name in the Special Regulations Note: Some waters within this district are tide waters regulated by regulations for the ocean and San Francisco Bay District (see sections 1.53 and 27.00)  (d) Valley District  (1) All lakes and reservoirs except those listed by name in the	RRA DISTRICT. THIS AND OR ROOSEV  All year.  Closed to all fishing all year.  Closed to all fishing	O THE OTHER ALLOWANCE ELT LAKES IN
THAN 10 INCHES TOTAL LENGTH MAY BE TAKEN AND POSSES DAILY BAG AND POSSESSION LIMITS SPECIFIED FOR THE SIE DOES NOT INCLUDE RED LAKE IN ALPINE COUNTY OR KIRMAN MONO COUNTY  (c) North Central District  (1) All lakes and reservoirs except those listed by name in the Special Regulations.  (2) All streams except those listed by name in the Special Regulations.  (3) The tidewaters of all streams except those listed by name in the Special Regulations Note: Some waters within this district are tide waters regulated by regulations for the ocean and San Francisco Bay District (see sections 1.53 and 27.00)  (d) Valley District  (1) All lakes and reservoirs except those listed by name in the Special Regulations.	All year.	THE OTHER ALLOWANCE ELT LAKES IN  5
THAN 10 INCHES TOTAL LENGTH MAY BE TAKEN AND POSSES DAILY BAG AND POSSESSION LIMITS SPECIFIED FOR THE SIE DOES NOT INCLUDE RED LAKE IN ALPINE COUNTY OR KIRMAN MONO COUNTY  (c) North Central District  (1) All lakes and reservoirs except those listed by name in the Special Regulations.  (2) All streams except those listed by name in the Special Regulations.  (3) The tidewaters of all streams except those listed by name in the Special Regulations Note: Some waters within this district are tide waters regulated by regulations for the ocean and San Francisco Bay District (see sections 1.53 and 27.00)  (d) Valley District  (1) All lakes and reservoirs except those listed by name in the Special Regulations.  (2) All anadromous waters except those listed by name in the	All year.  Closed to all fishing all year.  Closed to all fishing all year.	THE OTHER ALLOWANCE ELT LAKES IN  5
THAN 10 INCHES TOTAL LENGTH MAY BE TAKEN AND POSSES DAILY BAG AND POSSESSION LIMITS SPECIFIED FOR THE SIE DOES NOT INCLUDE RED LAKE IN ALPINE COUNTY OR KIRMAN MONO COUNTY  (c) North Central District  (1) All lakes and reservoirs except those listed by name in the Special Regulations.  (2) All streams except those listed by name in the Special Regulations.  (3) The tidewaters of all streams except those listed by name in the Special Regulations Note: Some waters within this district are tide waters regulated by regulations for the ocean and San Francisco Bay District (see sections 1.53 and 27.00)  (d) Valley District  (1) All lakes and reservoirs except those listed by name in the Special Regulations.  (2) All anadromous waters except those listed by name in the Special Regulations (See definition of anadromous waters, Section	All year.	THE OTHER ALLOWANCE ELT LAKES IN  5
THAN 10 INCHES TOTAL LENGTH MAY BE TAKEN AND POSSES DAILY BAG AND POSSESSION LIMITS SPECIFIED FOR THE SIE DOES NOT INCLUDE RED LAKE IN ALPINE COUNTY OR KIRMAN MONO COUNTY  (c) North Central District  (1) All lakes and reservoirs except those listed by name in the Special Regulations.  (2) All streams except those listed by name in the Special Regulations.  (3) The tidewaters of all streams except those listed by name in the Special Regulations Note: Some waters within this district are tide waters regulated by regulations for the ocean and San Francisco Bay District (see sections 1.53 and 27.00)  (d) Valley District  (1) All lakes and reservoirs except those listed by name in the Special Regulations.  (2) All anadromous waters except those listed by name in the Special Regulations (See definition of anadromous waters, Section 1.04).	All year.	5  5  0
THAN 10 INCHES TOTAL LENGTH MAY BE TAKEN AND POSSES DAILY BAG AND POSSESSION LIMITS SPECIFIED FOR THE SIE DOES NOT INCLUDE RED LAKE IN ALPINE COUNTY OR KIRMAN MONO COUNTY  (c) North Central District  (1) All lakes and reservoirs except those listed by name in the Special Regulations.  (2) All streams except those listed by name in the Special Regulations.  (3) The tidewaters of all streams except those listed by name in the Special Regulations Note: Some waters within this district are tide waters regulated by regulations for the ocean and San Francisco Bay District (see sections 1.53 and 27.00)  (d) Valley District  (1) All lakes and reservoirs except those listed by name in the Special Regulations.  (2) All anadromous waters except those listed by name in the Special Regulations (See definition of anadromous waters, Section 1.04).  (3) All streams except anadromous waters and those listed by	All year.	THE OTHER ALLOWANCE ELT LAKES IN  5
THAN 10 INCHES TOTAL LENGTH MAY BE TAKEN AND POSSES DAILY BAG AND POSSESSION LIMITS SPECIFIED FOR THE SIE DOES NOT INCLUDE RED LAKE IN ALPINE COUNTY OR KIRMAN MONO COUNTY  (c) North Central District  (1) All lakes and reservoirs except those listed by name in the Special Regulations.  (2) All streams except those listed by name in the Special Regulations.  (3) The tidewaters of all streams except those listed by name in the Special Regulations Note: Some waters within this district are tide waters regulated by regulations for the ocean and San Francisco Bay District (see sections 1.53 and 27.00)  (d) Valley District  (1) All lakes and reservoirs except those listed by name in the Special Regulations.  (2) All anadromous waters except those listed by name in the Special Regulations (See definition of anadromous waters, Section 1.04).  (3) All streams except anadromous waters and those listed by name in the Special Regulations	All year.	5  5  0
THAN 10 INCHES TOTAL LENGTH MAY BE TAKEN AND POSSES DAILY BAG AND POSSESSION LIMITS SPECIFIED FOR THE SIE DOES NOT INCLUDE RED LAKE IN ALPINE COUNTY OR KIRMAN MONO COUNTY  (c) North Central District  (1) All lakes and reservoirs except those listed by name in the Special Regulations.  (2) All streams except those listed by name in the Special Regulations.  (3) The tidewaters of all streams except those listed by name in the Special Regulations Note: Some waters within this district are tide waters regulated by regulations for the ocean and San Francisco Bay District (see sections 1.53 and 27.00)  (d) Valley District  (1) All lakes and reservoirs except those listed by name in the Special Regulations.  (2) All anadromous waters except those listed by name in the Special Regulations (See definition of anadromous waters, Section 1.04).  (3) All streams except anadromous waters and those listed by name in the Special Regulations  (e) South Central District	All year.	5  5  0  5  5
THAN 10 INCHES TOTAL LENGTH MAY BE TAKEN AND POSSES DAILY BAG AND POSSESSION LIMITS SPECIFIED FOR THE SIE DOES NOT INCLUDE RED LAKE IN ALPINE COUNTY OR KIRMAN MONO COUNTY  (c) North Central District  (1) All lakes and reservoirs except those listed by name in the Special Regulations.  (2) All streams except those listed by name in the Special Regulations.  (3) The tidewaters of all streams except those listed by name in the Special Regulations Note: Some waters within this district are tide waters regulated by regulations for the ocean and San Francisco Bay District (see sections 1.53 and 27.00)  (d) Valley District  (1) All lakes and reservoirs except those listed by name in the Special Regulations.  (2) All anadromous waters except those listed by name in the Special Regulations (See definition of anadromous waters, Section 1.04).  (3) All streams except anadromous waters and those listed by name in the Special Regulations  (e) South Central District  (1) All lakes and reservoirs except those listed by name in the	All year.	5  5  0
THAN 10 INCHES TOTAL LENGTH MAY BE TAKEN AND POSSES DAILY BAG AND POSSESSION LIMITS SPECIFIED FOR THE SIE DOES NOT INCLUDE RED LAKE IN ALPINE COUNTY OR KIRMAN MONO COUNTY  (c) North Central District  (1) All lakes and reservoirs except those listed by name in the Special Regulations.  (2) All streams except those listed by name in the Special Regulations.  (3) The tidewaters of all streams except those listed by name in the Special Regulations Note: Some waters within this district are tide waters regulated by regulations for the ocean and San Francisco Bay District (see sections 1.53 and 27.00)  (d) Valley District  (1) All lakes and reservoirs except those listed by name in the Special Regulations.  (2) All anadromous waters except those listed by name in the Special Regulations (See definition of anadromous waters, Section 1.04).  (3) All streams except anadromous waters and those listed by name in the Special Regulations  (e) South Central District	All year  All year  All year  All year  All year	5  5  0  5  5

those listed by name in the special regulations.	7, but only on Sat.,	
	Sun., Wed., legal	
	holidays and	
	opening and closing	
	days. Only barbless	
	hooks may be used.	
(3) All streams in Alameda, Contra Costa, and Santa Clara	Last Saturday in	5
Counties except those listed by name in the Special Regulations.	Apr. through Nov.	
Counties except those holds by flame in the openial regulations.	15	
(4) All other streams and portions of streams except those listed in	Closed to all fishing	
subsection (e)(2) above or by name in the Special Regulations.	all year	
(f) Southern District	•	
(1) All lakes and reservoirs except those listed by name in the	All year.	5
Special Regulations.	•	
(2) All streams except anadromous waters in San Diego County,	All year. Only	2
and except those listed by name in the Special Regulations.	artificial lures with	
	barbless hooks may	
	be used.	
(3) All streams except anadromous waters in Los Angeles,	All year	5
Ventura, Santa Barbara, Orange, San Bernardino and Riverside	,	
Counties, and except those listed by name in the Special		
Regulations.		
(4) All anadromous waters except those listed by name in the	Closed to all fishing	
Special Regulations (See definition of anadromous waters, Section	all year.	
1.04)	,	
(5) All streams and tributaries (except those listed by name in the	All year	5
Special Regulations) above Twitchell Dam on the Cuyama River,	•	
above Bradbury Dam and below Gibraltar Dam on the San Ynez		
River; Robles Diversion Dam on the Ventura River above Matilia		
Dam on Matilija Creek and above Wheeler Gorge Campground on		
NF Matilija Creek; and above Rindge Dam on Malibu Creek.		
(g) Colorado River District		
(1) The Colorado River and its back waters	All year	10
		5

NOTE: Authority cited: Sections 200, 202, 205, 220 and 240, Fish and Game Code. Reference: Sections 200, 205 and 206, Fish and Game Code.

## §7.50. Alphabetical List of Waters with Special Fishing Regulations.

# Informative Digest/Policy Statement Overview – DFG and PUBLIC (Subsection (b)(1) and (1.5))

Current sport fishing regulations for Alameda Creek are governed by South Central Fishing District general regulations, which allow for a daily bag limit of five trout from the last Saturday in April through November 15.

This proposal requests that Alameda Creek and its tributaries be restricted during the general trout season to a zero bag limit, and the use artificial lures with barbless hooks only.

Historically, the Alameda Creek watershed has supported a steelhead trout population. Due to various factors related to population growth and land development, stream habitat conditions for steelhead have become degraded over time and the current steelhead population is at a low level. In 1997, steelhead trout along the central coast of California were listed as Threatened pursuant to the federal Endangered Species Act. Several local groups and governmental agencies are currently pursuing various avenues to restore Alameda Creek steelhead with identified action items of removing barriers to upstream migration, improving stream flows and restoring other stream habitat conditions to benefit steelhead. Because of the continued low adult steelhead population levels, angler harvest of juvenile steelhead should be curtailed until restoration activities have shown measured results in improving the numbers of adult steelhead utilizing Alameda Creek.

This proposal aims to protect juvenile steelhead/rainbow trout that are present in all waters of the Alameda Creek watershed. It is highly likely that many of the rainbow trout currently residing in Alameda Creek could

exhibit an anadromous behavior by migrating to the ocean if given the opportunity. Therefore, rainbow trout currently residing within the Alameda Creek watershed would play a vital role in steelhead recovery, if steelhead habitat and migration avenues improve. During migration to the reservoirs for growth, the upper watershed rainbow trout population exhibits characteristics similar to those of juvenile steelhead emigrating from freshwater to the ocean. Assessments are currently underway to determine whether to use the upper watershed populations as genetic stock to jumpstart the anadromous steelhead run downstream once migration barriers in the lower watershed are remediated.

This proposal, therefore, provides for increased protection of juvenile steelhead/rainbow trout while also providing recreational, no-harvest fishing opportunities in Alameda Creek.

To retain consistency with the alphabetical order of streams in Section 7.50(b), it is recommended to assign Alanbique Creek a new subsection number of (b)(1.5) and assign Alameda Creek to subsection (b)(1).

# **Regulatory Language**

# Subsection (b)(1), Section 7.50, Title 14, CCR, is amended as follows:

Body of Water	Open Season and	Daily Bag and
Body of Water	Special Regulations	Possession Limit
(1) Alanbique Creek (San Mateo Co.) Alameda Creek and	Last Saturday in Apr.	5 trout <u>0</u>
tributaries (Alameda and Santa Clara cos.).	through Nov. 15. Only	
	artificial lures with	
	barbless hooks may be	
	used.	

### Subsection (b)(1.5), Section 7.50, Title 14, CCR, is added as follows:

Body of Water	Open Season and Special Regulations	Daily Bag and Possession Limit
(1.5) Alanbique Creek (San Mateo Co.).	Last Saturday in Apr. through Nov. 15	5 trout

# Informative Digest/Policy Statement Overview –PUBLIC (Subsection (b)(6.5))

Antelope Lake tributaries are currently regulated for trout fishing according to the Sierra District general regulations that allow for trout fishing in streams from the last Saturday in April through November 15. Spawning rainbow trout migrate from Antelope Lake to reproduce in Antelope Lake tributaries during mid-February through April. It has come to the Department's attention that a significant number of trout are still spawning in late April. The trout are highly vulnerable to harvest and harassment by anglers while spawning in the tributaries. This proposal would delay the opening of trout season in Antelope Lake tributaries approximately one month until the Saturday preceding Memorial Day. The end of trout season would remain unchanged at November 15, and bag limits would remain unchanged. The season change would be implemented by adding Antelope Lake tributaries to the alphabetical list of waters with special fishing regulations. This angling regulation amendment would offer added protection and enhancement for the naturally reproduced wild component of the Antelope Lake and Antelope Lake tributary trout population. Additionally, this proposed regulation would create consistency with the opening dates for other major Plumas County lakes (Almanor Lake, Bucks Lake, Butt Lake, and Davis Lake).

### **Regulatory Language**

# Subsection (b)(6.5), Section 7.50, Title 14, CCR, is added as follows:

Body of Water	Open Season and Special Regulations	Daily Bag and Possession Limit
(6.5) Antelope Lake tributaries (Plumas	Saturday preceding Memorial Day	<u>5 per day</u>
<u>Co.).</u>	<u>through</u>	<u>10 in</u>
	Nov. 15	possession

# Informative Digest/Policy Statement Overview - DFG (Subsection (b)(14))

Currently the Battle Creek regulations, subsection (b)(14), Section 7.50, Title 14, California Code of Regulations (CCR), allow the take of one hatchery trout or hatchery steelhead from the last Saturday in April through September 30 from 250 feet upstream of the Coleman National Fish Hatchery (CNFH) to the Coleman powerhouse. Because of changes to fish management practices in Battle Creek, CNFH personnel no longer allow fish to pass the CNFH into upper Battle Creek. Therefore, the regulation allowing the take of one hatchery fish upstream of CNFH is not required.

The proposed regulations will reduce the bag limit to zero, extend the fishing season to November 15 to allow for catch and release fishing opportunities, and specify the entire anadromous reach of Battle Creek. This change will protect steelhead in Battle Creek, which are a federally listed threatened species, help reduce public confusion, eliminate an ongoing enforcement problem, and remove obsolete regulatory language.

On the first day of the 2006 trout season, wardens contacted a group of anglers who retained five steelhead above the Coleman powerhouse where fishing is closed. These fish could represent up to 5% of the steelhead run in Battle Creek based on weir counts for 2006, though it is likely that other steelhead may have entered Battle Creek undetected. The anglers made a compelling argument that they did not clearly understand the regulations.

Clarification of the regulations will help anglers clearly understand the intent for Battle Creek, reduce illegal fishing activity, and assist enforcement efforts. Additional minor changes are proposed to improve the clarity of the regulations.

### **Regulatory Language**

# Subsection (b)(14), Section 7.50, Title 14, CCR, is amended as follows:

Body of Water	Open Season and Special Regulations	Daily Bag and Possession Limit
	Special Regulations	Possession Limit
(14) Battle Creek (Shasta and Tehama Cos.).		
(A) From mouth to Coleman Fish Hatchery weir. Also see Section	Closed to all fishing all	
8.00(a).	year.	
(B) From 250 feet upstream from the Coleman Fish Hatchery to	Last Saturday in April	1 hatchery trout
the Coleman powerhouse upstream to Angel Falls (near Mineral)	to-through Sept. 30	or 1 hatchery
on the South Fork and to Ponderosa Way Bridge on the North	Nov. 15 Only artificial	steelhead**
Fork.	lures with barbless	<del>0 salmon</del>
	hooks may be used.	<u>0</u>

<sup>\*\*</sup>Hatchery trout or steelhead are those showing a healed adipose fin clip (adipose fin is absent). Unless otherwise provided, all other trout and steelhead must be immediately released. Wild trout or steelhead are those not showing a healed adipose fin clip.

# Informative Digest/Policy Statement Overview - DFG (subsection (b)(17))

Existing regulations for two Southern District streams, Bear Creek and Deep Creek in the San Bernardino Mountains, include a minimum size limit of 8 inches for trout.

More than 15 years ago, 8-inch minimum size limits were established in two Southern District streams, Bear Creek and Deep Creek in the San Bernardino Mountains. Department fish population and angler surveys reveal that angler harvest of trout is so low that minimum size restrictions do not affect these fish populations and no longer serve a desired fishery management purpose. Removing these unnecessary size restrictions simplifies the angling regulations.

The proposed regulatory change would removal these existing minimum size limits. The bag limit on both streams is 2 trout and the Department has determined that harvest rate of trout is low and that these 8-inch minimum size restrictions do not affect the fish populations. The minimum size restrictions no longer serve a

useful fishery management purpose and the Department recommends their removal to simplify these regulations.

# **Regulatory Language**

## Section 7.50(b) (17), Title 14, CCR is amended as follows:

Body of Water	Open Season and Special Regulations	Daily Bag and Possession Limit
(17) Bear Creek (San Bernardino Co.) from Big Bear Dam to confluence of Santa Ana River.	All year. Minimum size limit 8 inches total length. Only artificial lures with barbless hooks may be used	2

# Informative Digest/Policy Statement Overview - PUBLIC (Subsection (b)(20))

Current regulations in Big Chico Creek from Bear Hole to the upper boundary of the Big Chico Ecological Reserve provide for an open fishing season from November 15 through February 15. Only artificial lures with barbless hooks may be used and the bag limit is zero. This proposal recommends an extension to the current open season to allow a longer period for trout fishing opportunities. The new season recommendation is from November 1 through April 30.

Big Chico Creek currently supports a small remnant population of the state and federally listed spring-run Chinook salmon, and the federally listed steelhead trout. Additionally, late-fall and fall-run Chinook salmon spawn and rear in the lower reach of Big Chico Creek. Also found in the lower reach of the creek adjacent to the City of Chico are populations of bass and catfish that provide a popular recreational fishing opportunity. Spring-run Chinook salmon may enter Big Chico Creek as early as mid-February and will reside in the reach from Bear Hole to Higgins Hole Falls until spawning from mid-September through October. Steelhead enter the creek during the fall and winter dependent on flows, residing spawning and rearing in the reach from Bear Hole to Higgins Hole Falls.

This proposal will maintain protection for the listed spring run Chinook salmon and steelhead trout, while providing for expanded fishing opportunities. The proposed regulation allows a limited fishery after all spring run Chinook salmon have spawned, and due to the gear restriction and zero bag, affords a limited fishery without harm to steelhead trout. Additionally, the proposed regulation is compatible with regulations on nearby Yuba River, which also harbors populations of spring run Chinook salmon and steelhead trout.

Body of Water	Open Season and	Daily Bag and
	Special Regulations	Possession Limit
(20) Big Chico Creek (Butte Co.).		
(A) From mouth to Bear Hole, located approximately one mile	June 16 through Oct.	0
downstream from the upper end of Bidwell Park	15.	
	Oct. 16 through Feb.	
	15. Only artificial lures	
	with barbless hooks	
	may be used.	
(B) From Bear Hole to the upper boundary of the Big Chico Creek	Nov. <del>15</del> 1 through <del>Feb.</del>	0
Ecological Reserve	<del>15.</del> April 30. Only	
	artificial lures with	
	barbless hooks may be	
	used.	
(C) From the upper boundary of the Big Chico Creek Ecological	Closed to all fishing all	0
Reserve to Higgins Hole Falls, located about one-half mile	year.	
upstream from Ponderosa Way.	_	

# Informative Digest/Policy Statement Overview - DFG (Subsection (b)(38))

In 2004, the Fish and Game Commission (Commission) established an open winter season (November 16 through the Friday preceding the last Saturday in April) for 38 miles of the Upper Sacramento River with a zero-bag limit and restrictions to artificial lures with barbless hooks. For the past two winters, the open season on the Upper Sacramento River has been well received by the local communities and has been popular among trout anglers. Surveys indicated that almost two-thirds of the anglers traveled more than 75 miles to fish the Upper Sacramento winter season. The Department of Fish and Game (Department) has recognized that there is an interest for additional trout fishing opportunity in the winter months.

Consistent with the Department's Mission and the Strategic Plan for Trout Management, these proposed regulations are intended to improve and enhance trout fishing opportunities. In addition, Fish and Game Code Section 1727(b) directs the Department to: "...Consider making proposals for zero-limit trout fisheries during seasons otherwise closed by the Commission." The Department's Fisheries Management Committee has recommended pursuing additional opportunities for anglers to fish the winter season on Sierra District streams that have been closed in the past.

Fishery managers have determined that winter season catch-and-release trout fishing with artificial lures and barbless hooks has insignificant, often undetectable impacts to trout populations. Already low hooking mortality rates with artificial lures may be further diminished in winter due to cooler water temperatures. Department surveys conducted on the Upper Sacramento River during the 2004-2005 winter season estimated incidental hooking mortality of only 242 trout for the 38 miles of stream. Many "Blue Ribbon" streams and trout streams of national significance in the mountainous regions of other western states continue to provide winter season fisheries.

This proposal recommends the establishment of catch-and-release winter season fisheries for a selection of Sierra District streams listed in sections 7.50 and 7.00, Title 14, California Code of Regulations (CCR). These streams are:

- 1. American River and tributaries, Section 7.00(b)(6)
- 2. East Fork Carson River, Section 7.50(b)(38)
- 3. Hot Creek, Section 7.50(b)(78)
- 4. Little Truckee River, Section 7.50(b)(103.5)
- 5. Upper Owens River, Section 7.50(b)(134)
- 6. Pit River, Section 7.50(b)(141)
- 7. Truckee River, Section 7.50(b)(196)
- 8. Tuolumne River, Section 7.50(b)(198)
- 9. East Walker River, Section 7.50(b)(205)
- 10. North Fork Yuba River, Section 7.50(b)(211)

Along with the proposed winter season fishery on the Tuolumne River (Section 7.50(b)(198)), the Department recommends a minor change to simplify the size limits (which apply to the existing open season) and make them consistent with the fishery management goal for this river. This proposal would change the existing 12-inch minimum size limit to a 12-inch maximum size limit for a 12-mile reach of the Tuolumne River. This simplifying change makes both size limits consistent with the goal of providing "trophy—size" wild trout angling. Both river reaches would continue to have a two-trout limit during the last Saturday in April through November 15 season.

Also, along with the proposed winter season fishery for the North Fork Yuba River (Section 7.50(b)(211)), the Department recommends eliminating the 10-inch minimum size limit which applies during the existing open season. This stretch of the river has a two-trout bag limit, is managed primarily for wild trout, and has a low harvest rate. The Department believes that the reduced bag limit with gear restrictions is sufficient to maintain a quality wild trout fishery. Allowing anglers to take two trout less than 10 inches will not significantly impact the population, making the 10-inch minimum size restriction unnecessary.

# **Regulatory Language**

#### Section 7.50(b)(38), Title 14, CCR is amended as follows:

Body of Water Open Season and Daily Bag and	Body of Water	Open Season and	Daily Bag and
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	Special Regulations	Possession Limit
(38) Carson River, East Fork and tributaries (Alpine Co.).		
(A) Carson River, East Fork and tributaries above Carson Falls.	Closed to all fishing all	
	year	
(B) Carson River, East Fork from Hangman's Bridge downstream	Last Saturday in Apr.	0
to Nevada State Line.	through Nov. 15. All	
	year. Only artificial	
	lures with barbless	
	hooks may be used.	

# Informative Digest/Policy Statement Overview - DFG (subsection (b)(55))

Existing regulations for two Southern District streams, Bear Creek and Deep Creek in the San Bernardino Mountains, include a minimum size limit of 8 inches for trout.

More than 15 years ago, 8-inch minimum size limits were established in two Southern District streams, Bear Creek and Deep Creek in the San Bernardino Mountains. Department fish population and angler surveys reveal that angler harvest of trout is so low that minimum size restrictions do not affect these fish populations and no longer serve a desired fishery management purpose. Removing these unnecessary size restrictions simplifies the angling regulations.

The proposed regulatory change would removal these existing minimum size limits. The bag limit on both streams is 2 trout and the Department has determined that harvest rate of trout is low and that these 8-inch minimum size restrictions do not affect the fish populations. The minimum size restrictions no longer serve a useful fishery management purpose and the Department recommends their removal to simplify these regulations.

# **Regulatory Language**

### Section 7.50(b) (55), Title 14, CCR is amended as follows:

Body of Water	Open Season and	Daily Bag and
Body of Water	Special Regulations	Possession Limit
(55) Deep Creek (San Bernardino Co.) from headwaters at Little	All year. <del>Minimum size</del>	2
Green Valley to confluence of Willow Creek	limit: 8 inches total	
	length. Only artificial	
	lures with barbless	
	hooks may be used	
	•	

# Informative Digest/Policy Statement Overview - PUBLIC (subsection (b)(59))

Current regulations close the Moccasin Creek Arm of Don Pedro Lake to fishing from October 16 through December 31 while the remainder of the lake is open to fishing all year. The Moccasin Creek restriction was implemented in 1984 at the request of the Department to protect adult inland salmon returning up Moccasin Creek from Don Pedro Lake to spawn. These adult salmon were used in the Department's experimental inland salmon brood-stock program. The rearing of salmon at Moccasin Creek Hatchery was terminated in 1985 and the release of salmon into the Moccasin Creek Arm is no longer being implemented. The current regulation closing the Moccasin Creek Arm to fishing during October 16 through December 31 is no longer necessary and this proposal recommends deleting the regulation.

#### **Regulatory Language**

Subsection (b)(59), Section 7.50, Title 14, CCR, is repealed:

Body of Water	Open Season and	Daily Bag and
Body of Water	Special Regulations	Possession Limit
(59) Don Pedro Lake (Tuolumne Co.), only that portion of Don	Jan. 1 through Oct. 15	5
Pedro Lake known as the Moccasin Creek Arm upstream from	_	
the five-mile per hour buoy.		

# Informative Digest/Policy Statement Overview - DFG (subsection (b)(63))

Currently the Eel River regulations, subsection (b)(63), Section 7.50, Title 14, California, Code of Regulations (CCR), has different wording to describe the same Van Duzen River section than the Low Flow Regulations, subsection (a)(3), Section 8.00, Title 14, CCR. This proposed change would align the language used for these two regulation sections and provide consistency with the rest of subsection (b)(63), Section 7.50 regulations which describe the river sections from a downstream location to an upstream location.

This proposed change reduces public confusion and improves enforceability of the regulations.

## **Regulatory Language**

# Subsection (b)(63), Section 7.50, Title 14, CCR, is amended as follows:

Body of Water	Open Season and Special Regulations	Daily Bag and Possession Limit
(63) Eel River Regulations (Humboldt, Lake, Mendocino and Trinity cos.). Also see Section 8.00(b).	Special Regulations	7 GGGGGIOIT EITIIK
(A) Main stem.		
From mouth to Fulmor Road, at its paved junction with the south bank of the Eel River.	Fourth Saturday in May through Mar. 31. Only barbless hooks may be used. April 1 through the Friday preceding the last Saturday in May. Only artificial lures with barbless hooks may be used.	0
2. From Fulmor Road, near east end of Cock Robin Island to South Fork Eel River.	Apr. 1 through Sept. 30. Only artificial lures with barbless hooks may be used.	0
	Oct. 1 through Mar. 31. Only barbless hooks may be used.	0
3. From South Fork Eel River to Cape Horn Dam.	Jan. 1 through Mar. 31 and Fourth Saturday in May through Sept. 30. At all times, only artificial lures with barbless hooks may be used. Closed to all fishing Apr. 1 through the Friday preceding the fourth Saturday in May and Oct. 1 through Dec. 31.	0
(B) Van Duzen River.		
1. Main stem and tributaries above Eaton Falls, located about 1/2 mile upstream of the mouth of the South Fork (Little Van Duzen) and 2 1/2 miles west of Dinsmore.	Last Saturday in Apr. through Nov. 15.	5
2. Main stem from Highway 36 bridge	Fourth Saturday in	0

Delegraville to requite its impation with the Fol Diverte the Highway	Mouthwareh Cant 20	
Bridgeville to mouth its junction with the Eel River to the Highway	May through Sept. 30.	
36 bridge near Bridgeville.	Only artificial lures with	
	barbless hooks may be	
	used.	
	Oct. 1 through Mar. 31.	0
	Only barbless hooks	
	may be used.	
(C) South Fork Eel River from mouth to Rattlesnake Creek.	Fourth Saturday in	0
(o) could for Editate from mount to Natioeshake creek.	May through Sept. 30.	O .
	Only artificial lures with	
	barbless hooks may be	
	used.	
	Oct. 1 through Mar. 31.	0
	Only barbless hooks	
	may be used.	
(D) Middle Fork Eel River.		
1. Middle Fork main stem from mouth to Bar Creek.	Jan. 1 through May 31	0
This are to the main storm from mount to but orook.	and July 16 through	
	Sept. 30. At all times,	
	only artificial lures with	
	barbless hooks may be	
	used. Closed to all	
	fishing Jun. 1 through	
	July 15 and Oct. 1	
	through Dec. 31.	
2. Middle Fork tributaries above Indian Dick/Eel River Ranger	Last Saturday in Apr.	5
Station Road	through Nov.15.	
	Maximum size limit:14	
	inches total length.	
3. Middle Fork and tributaries above mouth of Uhl Creek.	Last Saturday in Apr.	2
3. Wildule I dik and inbutanes above mouth of one creek.		2
	through Nov. 15.	
	Maximum size limit:14	
	inches total length.	
	Only artificial lures with	
	barbless hooks may be	
	used.	
4. Balm of Gilead Creek and tributaries above falls 1 1/4 miles	Last Saturday in Apr.	2
from mouth.	through Nov. 15.	
	Maximum size limit: 14	
	inches total length.	
	Only artificial lures with	
	barbless hooks may be	
	parbiess riours may be	
	ucod	
E North Fork of Middle Fork and talk stories above marries	used.	2
5. North Fork of Middle Fork and tributaries above mouth of	Last Saturday in Apr.	2
5. North Fork of Middle Fork and tributaries above mouth of Willow Creek.	Last Saturday in Apr. through Nov. 15.	2
	Last Saturday in Apr. through Nov. 15. Maximum size limit: 14	2
	Last Saturday in Apr. through Nov. 15. Maximum size limit: 14 inches total length.	2
	Last Saturday in Apr. through Nov. 15. Maximum size limit: 14	2
	Last Saturday in Apr. through Nov. 15. Maximum size limit: 14 inches total length. Only artificial lures with	2
	Last Saturday in Apr. through Nov. 15. Maximum size limit: 14 inches total length.	2

# Informative Digest/Policy Statement Overview - DFG and PUBLIC

(Subsections (b)(68.3) and (73.5))

Under the current black bass regulations, it is legal to fish closed trout waters in Inyo and Mono counties for black bass all year. Enforcement staff is encountering increasing numbers of anglers that claim to be bass fishing while actually catch and release fishing for trout. During informal conversations with several anglers and one local fishing guide/outfitter, Enforcement has been told that some people are advocating catch and

release trout fishing during closed trout season. In order to circumvent the current regulations, these anglers can claim to be bass fishing when contacted by a Warden. These areas are prized trout areas and the proposed regulation changes will help eliminate fishing for trout and the potential for hooking mortality on trout during the closed season.

Section 5.00(b)(5), is in direct conflict with Section 7.00(b)(7). Section 5.00 (b)(5) states that all waters of Mono County are open to black bass fishing all year while Section 7.00 (b)(7), states that Mono County waters are closed to all fishing when closed to trout fishing, except for unrestricted portions of Fish Slough which are open to fishing all year.

These proposed regulations will close the streams in the southwest portion of Inyo County (Section 7.00(b)(2), to black bass fishing when the trout season is also closed and align the Mono County regulations in sections 5.00(b)(5) and 7.00 (b)(7). These proposed regulation changes clarify conflicting regulations, reduce public confusion, and improve enforceability of the regulations.

Also in Inyo County, Haiwee Reservoir listed in sections 5.00(b)(16) and 7.50(b)(73.5), was closed by the Los Angeles Department of Water and Power (LADWP) to all public access, including fishing. This closure eliminates take-concerns outside of the general regulations and existing regulations could cause confusion for the public that the Haiwee Reservoir Special Fishing regulations may supersede LADWP's authority regarding trespass on LADWP lands. This proposed regulation is to remove Haiwee Reservoir from sections 5.00(b)(16) and 7.50(b)(73.5), to allow it to be covered under general fishing regulations and revise Section 7.50(b)(68.3), due to the renumbering of Section 5.00(b). This proposed regulation change will clarify conflicting regulations and reduce public confusion.

In Shasta County, Section 5.00(b)(7), allows for a year round black bass open season, while Section 7.00(b)(4), limits the trout fishing season on Big Lake to the last Saturday in April through November 15. Big Lake is fed by a series of artesian springs along its north shore in the vicinity of Ahjumawi Lava Springs State Park. The water temperature in winter months is warmer where the water flows from these springs and largemouth bass use this area as a thermal refuge. Local anglers have discovered this phenomenon and have been targeting largemouth bass during the trout fishing closure specified in Section 7.00(b)(4) which is intended to protect Fall River trout stocks. There is no biological evidence suggesting that the angling activity occurring at Big Lake has had any effect on Fall River trout populations. This regulation proposal will allow a winter catch and release fishery (November 16 through the last Friday in April) for black bass on Big Lake. Department of Fish and Game Enforcement staff and the local angling community are in support of the proposed regulation change. The proposal will remove Big Lake from the Shasta County black bass regulations in Section 5.00 (b)(7) and place it in the Individual Bodies of Water section under a new Section 5.00(b)(9), with a season that runs from the last Saturday in April through November 15, with a 12" minimum size limit, daily bag of 5 and November 16 through the last Friday in April, daily bag limit of 0. This proposed regulation changes clarifies conflicting regulations, reduces public confusion, provides angling opportunity with negligible impacts on other aquatic resources, and improves enforceability of the regulations.

In Modoc County, Big Sage Reservoir is incorrectly identified as "Sage Reservoir" in Section 5.00(b)(4). The Big Sage Reservoir is the only correct name as shown on the Modoc National Forest and United States Geological Survey Quad series maps. This proposed regulation change would change the name to Big Sage Reservoir to provide consistency with identification of this body of water.

Minor changes are proposed to improve the clarity of the regulations.

# **Regulatory Language**

## Section 7.50(b)(68.3) is amended to read:

7.50. Alphabetical List of Waters with Special Fishing Regulations. (b)

Body of Water	Open Season and Special Regulations	Daily Bag and Possession Limit	
(68.3) Fish Slough (Mono Co.).			
(A) The portions of Fish Slough which lie within the Owens	ns Closed to all fishing all year.		

Valley Native Fishes Sanctuary and BLM Spring.		
(B) All other portions of Fish Slough. Also, see Section	Last Saturday in Apr.	5
5.00(b)( <del>15</del> 16) for black bass regulations.	through Nov. 15.	
	Nov. 16 through the	0
	Friday preceding the	
	last Saturday in Apr.	

### Section 7.50(b)(73.5) is repealed:

7.50. Alphabetical List of Waters with Special Fishing Regulations. (b)

Body of Water	Open Season and	Daily Bag and
	Special Regulations	Possession Limit
(73.5) Haiwee Reservoirs (Inyo County).	First Saturday in Mar.	<del>5 per day 10 in</del>
	through Nov. 15.	<del>possession.</del>
	Nov. 16 through the	5
	Friday preceding the	
	first Saturday in Mar.	

# Informative Digest/Policy Statement Overview - DFG (Subsections (b)(78) and (103.5))

In 2004, the Fish and Game Commission (Commission) established an open winter season (November 16 through the Friday preceding the last Saturday in April) for 38 miles of the Upper Sacramento River with a zero-bag limit and restrictions to artificial lures with barbless hooks. For the past two winters, the open season on the Upper Sacramento River has been well received by the local communities and has been popular among trout anglers. Surveys indicated that almost two-thirds of the anglers traveled more than 75 miles to fish the Upper Sacramento winter season. The Department of Fish and Game (Department) has recognized that there is an interest for additional trout fishing opportunity in the winter months.

Consistent with the Department's Mission and the Strategic Plan for Trout Management, these proposed regulations are intended to improve and enhance trout fishing opportunities. In addition, Fish and Game Code Section 1727(b) directs the Department to: "...Consider making proposals for zero-limit trout fisheries during seasons otherwise closed by the Commission." The Department's Fisheries Management Committee has recommended pursuing additional opportunities for anglers to fish the winter season on Sierra District streams that have been closed in the past.

Fishery managers have determined that winter season catch-and-release trout fishing with artificial lures and barbless hooks has insignificant, often undetectable impacts to trout populations. Already low hooking mortality rates with artificial lures may be further diminished in winter due to cooler water temperatures. Department surveys conducted on the Upper Sacramento River during the 2004-2005 winter season estimated incidental hooking mortality of only 242 trout for the 38 miles of stream. Many "Blue Ribbon" streams and trout streams of national significance in the mountainous regions of other western states continue to provide winter season fisheries.

This proposal recommends the establishment of catch-and-release winter season fisheries for a selection of Sierra District streams listed in sections 7.50 and 7.00, Title 14, California Code of Regulations (CCR). These streams are:

- 1. American River and tributaries, Section 7.00(b)(6)
- 2. East Fork Carson River, Section 7.50(b)(38)
- 3. Hot Creek, Section 7.50(b)(78)
- 4. Little Truckee River, Section 7.50(b)(103.5)
- 5. Upper Owens River, Section 7.50(b)(134)
- 6. Pit River, Section 7.50(b)(141)
- 7. Truckee River, Section 7.50(b)(196)
- 8. Tuolumne River, Section 7.50(b)(198)
- 9. East Walker River, Section 7.50(b)(205)

### 10. North Fork Yuba River, Section 7.50(b)(211)

Along with the proposed winter season fishery on the Tuolumne River (Section 7.50(b)(198)), the Department recommends a minor change to simplify the size limits (which apply to the existing open season) and make them consistent with the fishery management goal for this river. This proposal would change the existing 12-inch minimum size limit to a 12-inch maximum size limit for a 12-mile reach of the Tuolumne River. This simplifying change makes both size limits consistent with the goal of providing "trophy—size" wild trout angling. Both river reaches would continue to have a two-trout limit during the last Saturday in April through November 15 season.

Also, along with the proposed winter season fishery for the North Fork Yuba River (Section 7.50(b)(211)), the Department recommends eliminating the 10-inch minimum size limit which applies during the existing open season. This stretch of the river has a two-trout bag limit, is managed primarily for wild trout, and has a low harvest rate. The Department believes that the reduced bag limit with gear restrictions is sufficient to maintain a quality wild trout fishery. Allowing anglers to take two trout less than 10 inches will not significantly impact the population, making the 10-inch minimum size restriction unnecessary.

# **Regulatory Language**

### Section 7.50(b)(78), Title 14, CCR is amended as follows:

7.50. Alphabetical List of Waters with Special Fishing Regulations. (b)

Body of Water	Open Season and Special Regulations	Daily Bag and Possession Limit
(78) Hot Creek (Mono Co.). Hot Creek from the State hatchery property line to the confluence with the Owens River.	Last Saturday in April through Nov. 15.All year. Only artificial flies with barbless hooks may be used.	0

### Section 7.50(b)(103.5), Title 14, CCR is amended as follows:

7.50. Alphabetical List of Waters with Special Fishing Regulations. (b)

Body of Water	Open Season and Special Regulations	Daily Bag and Possession Limit
(103.5) Little Truckee River (Sierra and Nevada Ccos.) from Stampede Reservoir Dam downstream to Boca Reservoir.	Last Saturday in Apr. through Nov. 15. Maximum size limit: 14 inches total length. Only artificial lures with barbless hooks may be used.	2
	Nov.16 through the Friday preceding the last Saturday in Apr. Only artificial lures with barbless hooks may be used.	<u>0</u>

# Informative Digest/Policy Statement Overview - PUBLIC (b)(111)

Current regulations for the Truckee River from Lake Tahoe to the Nevada state line are divided into seven segments with different sport fishing regulations (Section 7.50(b)(196), Title 14, CCR). This array of regulations maintains opportunities for diverse trout fishing interests and addresses different trout management goals but is complex and may be a source of confusion for anglers.

The majority of the Truckee River falls under the Sierra Fishing District general regulations, which allow for a daily bag limit of five trout from the last Saturday in April through November 15. A long segment of the river with these general regulations, from 1,000 feet below Lake Tahoe downstream to Trout Creek, is managed to provide anglers opportunity to fish with bait or other gear and take five trout. Portions of this reach are stocked with hatchery trout. The reach of the Truckee River from Trout Creek to Gray Creek, which is managed for wild trout, has four separate segments with the same two-trout bag limit but differences in gear or length restrictions. Tributaries in this reach of the Truckee are governed with the Sierra Fishing District general regulations.

This regulation proposal reduces the number of river segments with different regulations. For the Trout Creek to Gray Creek reach, three of the four segments with existing differences would change to have the same special regulations for bag limit, size limit, and gear restriction. The fourth segment, Glenshire Bridge to Prosser Creek, would retain its existing artificial flies with barbless hooks regulation. For the three segments with the 15-inch minimum size limit a change is proposed to 14 inches total length. This would help simplify size-limit categories, as this existing 15-inch minimum limit on the Truckee is the only one of its kind in the trout regulations.

Two important spawning tributaries, Martis Creek and Prosser Creek, fall in the District general regulations. This proposal would change those regulations so that Martis Creek and Prosser Creek below the reservoirs on each stream would have the same special regulations as the wild trout segments on the Truckee River (2-trout bag limit, 14-inch minimum size and artificial lures with barbless hooks). This change would provide some protection for rainbow and brown trout that migrate from the Truckee into these streams to spawn. The segment of the Truckee from Gray Creek downstream to the California-Nevada state line is managed for wild trout. This proposal would change the existing District general regulations in this segment to match the special regulations in the wild trout segments upstream (two-trout bag limit, artificial lures with barbless hooks, 14-inch minimum size total length).

The proposal will retain a diversity of trout angling opportunities that reflect management options that emphasize both wild trout and hatchery trout. The proposal simplifies regulations in the river segments managed for wild trout. Five segments with existing differences in regulations would be consolidated so that four of the five would have the same regulations. There is considerable support in the local community for simplifying the Truckee River angling regulations

#### **Regulatory Language**

### Subsection (b)(111), Section 7.50, Title 14, CCR is added as follows:

Body of Water	Open Season and	Daily Bag and
	Special Regulations	Possession Limit
(111) Martis Creek from the Martis Lake dam downstream	Last Saturday in Apr.	2
to the confluence with the Truckee River (Nevada Co.)	through Nov. 15.	
	Minimum size limit: 14	
	inches total length.	
	Only artificial lures with	
	barbless hooks may	
	be used.	

# Informative Digest/Policy Statement Overview - DFG (b)(118)

Currently the Merced River regulations, subsection (b)(118), Section 7.50, Title 14, California Code of Regulations, refers to the Schaffer Bridge on Montpelier Road. Shaffer Bridge is on Oakdale Road not Montpelier Road. In Stanislaus County the road is called Montpelier Road, however, in Merced County the name of the same road becomes Oakdale Road. This reference needs to be corrected in order to alleviate public confusion and ensure that the regulation is enforceable in court.

### **Regulatory Language**

### Subsection (b)(118), Section 7.50, Title 14, CCR is amended as follows:

(118) Merced River (Merced Co.).		
(A) From Crocker-Huffman Dam downstream to the	Jan. 1 through Oct. 31.	0 trout
Schaffer bridge on Montpelier Oakdale Road.	Only artificial lures with	0 salmon
	barbless hooks may be	
	used.	
(B) From the Schaffer bridge on Montpelier	Jan. 1 through Oct. 31.	0 trout
Oakdale Road downstream to the mouth.	Bait may be used from	1 salmon
	Jan. 1 through Oct. 31.	
	However, from April 1	
	through the Friday	
	preceding the fourth	
	Saturday in May, bait	
	may be used only with	
	single hooks having a	
	gap between 1/2 and 1	
	inch, or with multiple	
	hooks having a gap	
	between 1/4 and 1/2	
	inch.	

# <u>Informative Digest/Policy Statement Overview</u> – PUBLIC (Subsection (b)(129) and Section 8.00

Presently the Napa River Special Regulations, Section 7.50(b)(129), Title 14, Code of California Regulations (CCR), allow salmon fishing in the main stem from the Lincoln Bridge in Calistoga to the Trancas Bridge. The Napa Resource Conservation District (RCD) aquatic biologists have been doing stream habitat and fishery surveys in the Napa River for the last few years. The RCD believes there is a significant Chinook spawning in the reach between the Lincoln Bridge in Calistoga and the Oakville Cross Road Bridge near Yountville. The RCD is concerned that the Napa River Chinook salmon run is in the 300-600 fish range, based on their own redd surveys. They are requesting the Department close this area to salmon fishing to protect the Chinook salmon redds.

The proposal would close the Napa River to salmon fishing year round between the Lincoln Bridge in Calistoga and the Oakville Cross Road Bridge near Yountville. Most of this reach is bordered by private land. This closure would result in a reduction of approximately 16 stream miles of river, and there is only one legal point for the public to access the river in this reach.

The Department at the RCD's request is proposing the Low Flow regulations (Section 8.00(b), Title 14, CCR) be revised to separate the Napa River from other Central Coast Streams which reply on 500 cubic feet per second (cfs) minimum flow from the Russian River gauge near Guerneville. This proposal would use the Napa River gauge near the city of Napa with a 15 cfs minimum flow for the Napa River. This proposal would use the stream hydrology of the Napa River instead of the unrelated flows measured on the Russian River in a different watershed.

The RCD will provide the Department with the necessary flow trigger information every Wednesday morning to update the public low flow closure notice maintained by the Department. The minimum flow of 15 cfs is a conservative number based on qualitative field experience of the RCD's aquatic biologists doing stream habitat and fishery surveys in the Napa River for the last few years. They are concerned that the Napa River Chinook salmon run ranges from 300 to 600 fish, based on their own redd surveys. Based upon the RCD's information, Chinook salmon may find their upstream passage impeded at minimum flows below 15 cfs following Department fish passage criteria.

This proposed change in the low flow restrictions will allow the Napa River restrictions to accurately monitor low fish passage conditions. It will help protect spawning adults under low flow conditions, when the success of the run may be impaired due to the inability of adults to reach the spawning grounds upstream, and may allow a few more adults to survive to spawn if flows come up later in the season.

The Department supports both these RCD proposals.

### **Regulatory Language**

Section 7.50(b)(129), Title 14, CCR is amended as follows:

Body of Water	Open Season and Special Regulations	Daily Bag and Possession Limit
(129) Napa River and tributaries (Napa Co.). Also see Sectio		PUSSESSION LIMIT
(123) Napa Niver and tributanes (Napa 00.). Also see occito	11 0.00(0).	
(A) Main stem above the Lincoln Bridge in Calistoga Oakville Cross Road Bridge near Yountville and all Napa River tributaries.	Closed to all fishing all year.	
(B) Main stem from the Lincoln Bridge in Calistoga Oakville Cross Road Bridge near Yountville to the Trancas Bridge. Note: The Napa River below the Trancas Bridge is tidewater, and is regulated by regulations for the Ocean and San Francisco Bay District (see Sections 1.53 and 27.00).	Fourth Saturday in May through Mar. 31. Only artificial lures with barbless hooks may be used from the fourth Saturday in May through Oct. 31. Only barbless hooks may be used from Nov. 1 through Mar. 31.	1 hatchery trout or 1 hatchery steelhead** 1 king salmon

# Informative Digest/Policy Statement Overview - DFG (Subsections (b)(134) and (141))

In 2004, the Fish and Game Commission (Commission) established an open winter season (November 16 through the Friday preceding the last Saturday in April) for 38 miles of the Upper Sacramento River with a zero-bag limit and restrictions to artificial lures with barbless hooks. For the past two winters, the open season on the Upper Sacramento River has been well received by the local communities and has been popular among trout anglers. Surveys indicated that almost two-thirds of the anglers traveled more than 75 miles to fish the Upper Sacramento winter season. The Department of Fish and Game (Department) has recognized that there is an interest for additional trout fishing opportunity in the winter months.

Consistent with the Department's Mission and the Strategic Plan for Trout Management, these proposed regulations are intended to improve and enhance trout fishing opportunities. In addition, Fish and Game Code Section 1727(b) directs the Department to: "...Consider making proposals for zero-limit trout fisheries during seasons otherwise closed by the Commission." The Department's Fisheries Management Committee has recommended pursuing additional opportunities for anglers to fish the winter season on Sierra District streams that have been closed in the past.

Fishery managers have determined that winter season catch-and-release trout fishing with artificial lures and barbless hooks has insignificant, often undetectable impacts to trout populations. Already low hooking mortality rates with artificial lures may be further diminished in winter due to cooler water temperatures. Department surveys conducted on the Upper Sacramento River during the 2004-2005 winter season estimated incidental hooking mortality of only 242 trout for the 38 miles of stream. Many "Blue Ribbon" streams and trout streams of national significance in the mountainous regions of other western states continue to provide winter season fisheries.

This proposal recommends the establishment of catch-and-release winter season fisheries for a selection of Sierra District streams listed in sections 7.50 and 7.00, Title 14, California Code of Regulations (CCR). These streams are:

- 1. American River and tributaries, Section 7.00(b)(6)
- 2. East Fork Carson River, Section 7.50(b)(38)
- 3. Hot Creek, Section 7.50(b)(78)
- 4. Little Truckee River, Section 7.50(b)(103.5)
- 5. Upper Owens River, Section 7.50(b)(134)

- 6. Pit River, Section 7.50(b)(141)
- 7. Truckee River, Section 7.50(b)(196)
- 8. Tuolumne River, Section 7.50(b)(198)
- 9. East Walker River, Section 7.50(b)(205)
- 10. North Fork Yuba River, Section 7.50(b)(211)

Along with the proposed winter season fishery on the Tuolumne River (Section 7.50(b)(198)), the Department recommends a minor change to simplify the size limits (which apply to the existing open season) and make them consistent with the fishery management goal for this river. This proposal would change the existing 12-inch minimum size limit to a 12-inch maximum size limit for a 12-mile reach of the Tuolumne River. This simplifying change makes both size limits consistent with the goal of providing "trophy—size" wild trout angling. Both river reaches would continue to have a two-trout limit during the last Saturday in April through November 15 season.

Also, along with the proposed winter season fishery for the North Fork Yuba River (Section 7.50(b)(211)), the Department recommends eliminating the 10-inch minimum size limit which applies during the existing open season. This stretch of the river has a two-trout bag limit, is managed primarily for wild trout, and has a low harvest rate. The Department believes that the reduced bag limit with gear restrictions is sufficient to maintain a quality wild trout fishery. Allowing anglers to take two trout less than 10 inches will not significantly impact the population, making the 10-inch minimum size restriction unnecessary.

## **Regulatory Language**

## Section 7.50(b)(134), Title 14, CCR is amended as follows:

Body of Water	Open Season and Special Regulations	Daily Bag and Possession Limit
(134) Owens River (Inyo and Mono Cos.), including Pleasant Valley and Tinemaha lakes, except (A), (B), (C),	First Saturday in Mar. through Oct. 31.	5 per day 10 in possession
and(D) below.	Nov. 1 through the Friday preceding the first Saturday in Mar.	5
(A) Upper Owens River from Benton Bridge road crossing upstream to Highway 395 (includes that part of Deadman Creek below Highway 395).	Last Saturday in April through Nov. 15. Maximum size limit: 16 inches total length. Only artificial lures with barbless hooks may be used.	2
	Nov. 16 through the Friday preceding the last Saturday in Apr. Only artificial lures with barbless hooks may be used.	<u>0</u>
(B) Upper Owens River from Benton Bridge road crossing downstream to upper Owens River fishing monument.	Saturday preceding Memorial Day through Sep. 30.	5 per day 10 in possession.
(C) Upper Owens River from fishing monument (located about 1/4 mile upstream from maximum lake level) to Crowley Lake.	Last Saturday in April through July 31.	5 per day 10 in possession.
	Aug. 1 through Nov. 15. Minimum size limit: 18 inches total length. Only artificial lures with barbless hooks may be used.	2
(D) From Pleasant Valley Dam downstream to footbridge at lower end of Pleasant Valley Campground.	Jan. 1 - Sept. 30. Jan. 1 through Sept. 30.	2
	Oct. 1- Dec. 31. Oct. 1 through Dec. 31.	0

	Only artificial lures with barbless hooks may be used.	
(E) From footbridge at lower end of Pleasant Valley	All year. Only artificial	0
Campground east (downstream) 3.3 miles along Chalk	lures with barbless	
Bluffs Road to the redwood sport fishing regulations sign.	hooks may be used.	

## Section 7.50(b)(141), Title 14, CCR is amended as follows:

Body of Water	Open Season and	Daily Bag and
<u> </u>	Special Regulations	Possession Limit
(141) Pit River (Shasta Co.).		
(A) From Pit No. 3 (Britton Dam) downstream to the outlet	Last Saturday in Apr.	2
of the Pit No. 3 Powerhouse.	through Nov. 15.	
	Minimum size limit: 18	
	inches total length.	
	Only artificial lures	
	with barbless hooks	
	may be used.	
	Nov. 16 through the	0
	Friday preceding the	
	last Saturday in Apr.	
	Only artificial lures	
	with barbless hooks	
	may be used.	
(B) Pit River, from Pit No. 3 Powerhouse downstream to Pit	Last Saturday in Apr.	<u>5</u>
No. 7 dam.	through Nov. 15.	
	Nov. 16 through the	0
	Friday preceding the	
	last Saturday in Apr.	
	Only artificial lures	
	with barbless hooks	
	may be used.	
(C) From Pit No. 7 dam downstream to Shasta Lake.	All year	5

# Informative Digest/Policy Statement Overview - PUBLIC (Subsection (b)(145)

Current regulations for the Truckee River from Lake Tahoe to the Nevada state line are divided into seven segments with different sport fishing regulations (Section 7.50(b)(196), Title 14, CCR). This array of regulations maintains opportunities for diverse trout fishing interests and addresses different trout management goals but is complex and may be a source of confusion for anglers.

The majority of the Truckee River falls under the Sierra Fishing District general regulations, which allow for a daily bag limit of five trout from the last Saturday in April through November 15. A long segment of the river with these general regulations, from 1,000 feet below Lake Tahoe downstream to Trout Creek, is managed to provide anglers opportunity to fish with bait or other gear and take five trout. Portions of this reach are stocked with hatchery trout. The reach of the Truckee River from Trout Creek to Gray Creek, which is managed for wild trout, has four separate segments with the same two-trout bag limit but differences in gear or length restrictions. Tributaries in this reach of the Truckee are governed with the Sierra Fishing District general regulations.

This regulation proposal reduces the number of river segments with different regulations. For the Trout Creek to Gray Creek reach, three of the four segments with existing differences would change to have the same special regulations for bag limit, size limit, and gear restriction. The fourth segment, Glenshire Bridge to Prosser Creek, would retain its existing artificial flies with barbless hooks regulation. For the three segments with the 15-inch minimum size limit a change is proposed to 14 inches total length. This would help simplify size-limit categories, as this existing 15-inch minimum limit on the Truckee is the only one of its kind in the trout regulations.

Two important spawning tributaries, Martis Creek and Prosser Creek, fall in the District general regulations. This proposal would change those regulations so that Martis Creek and Prosser Creek below the reservoirs on each stream would have the same special regulations as the wild trout segments on the Truckee River (2-trout bag limit, 14-inch minimum size and artificial lures with barbless hooks). This change would provide some protection for rainbow and brown trout that migrate from the Truckee into these streams to spawn. The segment of the Truckee from Gray Creek downstream to the California-Nevada state line is managed for wild trout. This proposal would change the existing District general regulations in this segment to match the special regulations in the wild trout segments upstream (two-trout bag limit, artificial lures with barbless hooks, 14-inch minimum size total length).

The proposal will retain a diversity of trout angling opportunities that reflect management options that emphasize both wild trout and hatchery trout. The proposal simplifies regulations in the river segments managed for wild trout. Five segments with existing differences in regulations would be consolidated so that four of the five would have the same regulations. There is considerable support in the local community for simplifying the Truckee River angling regulations

## **Regulatory Language**

## Subsection (b)(145), Section 7.50, Title 14, CCR is added as follows:

Body of Water	Open Season and Special Regulations	Daily Bag and Possession Limit
(145) Prosser Creek from the Prosser Reservoir dam downstream to the confluence with the Truckee River (Nevada Co.)	Last Saturday in Apr. through Nov. 15. Minimum size limit: 14 inches total length. Only artificial lures with barbless hooks may be used.	2

# Informative Digest/Policy Statement Overview - DFG (Subsection (b)(180))

Currently the Smith River regulations, subsection (b)(180), Section 7.50, Title 14, California Code of Regulations, could be misconstrued to allow for the harvest of five wild Smith River steelhead from each river section (Main stem, Middle Fork, South Fork, and North Fork). The proposed regulation will clarify that the yearly bag limit is a total of five wild Smith River steelhead for the entire Smith River.

This proposed change reduces public confusion and improves enforceability of the regulations.

# **Regulatory Language**

## Subsection (b)(180), Section 7.50, Title 14, CCR is amended to read:

(180) Smith River Drainage Also see Section 8.00(a).		
Note: for tributaries not listed in (A) through (D) below, see subsection (a)(4) of Section 7.00, (General Regulations for the North Coast District).		
(A) Main stem from the mouth to confluence of Middle and South forks.	Fourth Saturday in May through Apr. 30. Only artificial lures with barbless hooks may be used from the fourth Saturday in May through Aug. 31.	1 wild trout or steelhead over 16 inches total length, or 1 hatchery trout or 1 hatchery steelhead**and 2 cutthroat trout minimum size limit: 10 inches total length and 1

	T	
		<del>king salmon.</del>
		No more than_5
		wild trout or
		steelhead ** over
		16 inches total
		length may be
		kept_per year.
		No more than a
		total of 5 wild trout
		or steelhead **
		over 16 inches
		total length may
		be kept from the
		Smith River per
		<u>year.</u>
		2 cutthroat trout
		minimum size
		limit: 10 inches
		total length
		1 king salmon
(B) Middle Fork Smith River		
from mouth to Patrick Creek	Fourth Saturday in May	1 wild trout or
	through Mar. 31. Only	steelhead over 16
	artificial lures with	inches total
	barbless hooks may be	length, or 1
	used from the fourth	hatchery trout or 1
	Saturday in May	hatchery
	through Aug. 31.	steelhead**.
		and 2 cutthroat
		trout minimum
		size limit: 10
		inches total length
		and 1 king
		salmon.
		No more than 5
		wild trout or
		steelhead ** over
		16 inches total
		length may be
		kept_per year.
		No more than a
		total of 5 wild trout
		or steelhead **
		over 16 inches
		total length may
		be kept from the
		Smith River per
		<u>year</u> .
		2 cutthroat trout
		minimum size
		limit: 10 inches
		total length
		1 king salmon
2. above the mouth of Patrick Creek	Fourth Saturday in May	2 cutthroat trout
	through Oct. 31. Only	minimum size
	artificial lures with	limit: 10 inches
	barbless hooks may be	total length. No
	used.	other salmonids
		may be taken.
L	l	,

(C) South Fork Smith River  1. from the mouth upstream approximately 1,000 feet to the County Road (George Tryon) bridge and Craigs Creek to Jones Creek.	Fourth Saturday in May through Mar. 31. Only artificial lures with barbless hooks may be used from the fourth Saturday in May through Aug. 31.	1 wild trout or steelhead over 16 inches total length, or 1 hatchery trout or 1 hatchery steelhead**_and 2 cutthroat trout minimum size limit: 10 inches total length and 1 king salmon. No more than_5 wild trout or steelhead ** over 16 inches total length may be kept_per year. No more than a total of 5 wild trout or steelhead ** over 16 inches total length may be kept from the Smith River per year. 2 cutthroat trout minimum size limit: 10 inches total length 1 king salmon
from the George Tryon bridge upstream to the mouth of	Closed to fishing all	
Craigs Creek.	year.	
3. above the mouth of Jones Creek.	Fourth Saturday in May through Oct. 31. Only artificial lures with barbless hooks may be used.	2 cutthroat trout minimum size limit: 10 inches total length. No other salmonids may be taken.
(D) North Fork Smith River		A 71.14
1. from the mouth to Stony Creek	Fourth Saturday in May through Mar. 31. Only artificial lures with barbless hooks may be used from the fourth Saturday in May through Aug. 31.	1 wild trout or steelhead** over 16 inches total length, or 1 hatchery trout or 1 hatchery steelhead**.  and 2 cutthroat trout minimum size limit: 10 inches total length and 1 king salmon.  No more than_5 wild trout or steelhead ** over 16 inches total length may be kept_per year.  No more than a

	total of 5 wild trout or steelhead ** over 16 inches total length may be kept from the Smith River per year. 2 cutthroat trout minimum size limit: 10 inches total length 1 king salmon
Fourth Saturday in May through Oct. 31. Only artificial lures with barbless hooks may be used.	2 cutthroat trout minimum size limit: 10 inches total length. No other salmonids may be taken.

<sup>\*\*</sup>Hatchery trout or steelhead are those showing a healed adipose fin clip (adipose fin is absent). Unless otherwise provided, all other trout and steelhead must be immediately released. Wild trout or steelhead are those not showing a healed adipose fin clip.

# Informative Digest/Policy Statement Overview - DFG

(Subsections (b)(196), (198), (205) and (211))

In 2004, the Fish and Game Commission (Commission) established an open winter season (November 16 through the Friday preceding the last Saturday in April) for 38 miles of the Upper Sacramento River with a zero-bag limit and restrictions to artificial lures with barbless hooks. For the past two winters, the open season on the Upper Sacramento River has been well received by the local communities and has been popular among trout anglers. Surveys indicated that almost two-thirds of the anglers traveled more than 75 miles to fish the Upper Sacramento winter season. The Department of Fish and Game (Department) has recognized that there is an interest for additional trout fishing opportunity in the winter months.

Consistent with the Department's Mission and the Strategic Plan for Trout Management, these proposed regulations are intended to improve and enhance trout fishing opportunities. In addition, Fish and Game Code Section 1727(b) directs the Department to: "...Consider making proposals for zero-limit trout fisheries during seasons otherwise closed by the Commission." The Department's Fisheries Management Committee has recommended pursuing additional opportunities for anglers to fish the winter season on Sierra District streams that have been closed in the past.

Fishery managers have determined that winter season catch-and-release trout fishing with artificial lures and barbless hooks has insignificant, often undetectable impacts to trout populations. Already low hooking mortality rates with artificial lures may be further diminished in winter due to cooler water temperatures. Department surveys conducted on the Upper Sacramento River during the 2004-2005 winter season estimated incidental hooking mortality of only 242 trout for the 38 miles of stream. Many "Blue Ribbon" streams and trout streams of national significance in the mountainous regions of other western states continue to provide winter season fisheries.

This proposal recommends the establishment of catch-and-release winter season fisheries for a selection of Sierra District streams listed in sections 7.50 and 7.00, Title 14, California Code of Regulations (CCR). These streams are:

- 1. American River and tributaries, Section 7.00(b)(6)
- 2. East Fork Carson River, Section 7.50(b)(38)
- 3. Hot Creek, Section 7.50(b)(78)
- 4. Little Truckee River, Section 7.50(b)(103.5)
- 5. Upper Owens River, Section 7.50(b)(134)
- 6. Pit River, Section 7.50(b)(141)

- 7. Truckee River, Section 7.50(b)(196)
- 8. Tuolumne River, Section 7.50(b)(198)
- 9. East Walker River, Section 7.50(b)(205)
- 10. North Fork Yuba River, Section 7.50(b)(211)

Along with the proposed winter season fishery on the Tuolumne River (Section 7.50(b)(198)), the Department recommends a minor change to simplify the size limits (which apply to the existing open season) and make them consistent with the fishery management goal for this river. This proposal would change the existing 12-inch minimum size limit to a 12-inch maximum size limit for a 12-mile reach of the Tuolumne River. This simplifying change makes both size limits consistent with the goal of providing "trophy—size" wild trout angling. Both river reaches would continue to have a two-trout limit during the last Saturday in April through November 15 season.

Also, along with the proposed winter season fishery for the North Fork Yuba River (Section 7.50(b)(211)), the Department recommends eliminating the 10-inch minimum size limit which applies during the existing open season. This stretch of the river has a two-trout bag limit, is managed primarily for wild trout, and has a low harvest rate. The Department believes that the reduced bag limit with gear restrictions is sufficient to maintain a quality wild trout fishery. Allowing anglers to take two trout less than 10 inches will not significantly impact the population, making the 10-inch minimum size restriction unnecessary.

## **Regulatory Langauge**

## Section 7.50(b)(196), Title 14, CCR is amended as follows:

Pady of Water	Open Season and	Daily Bag and
Body of Water	Special Regulations	Possession Limit
(196) Truckee River (Nevada and Placer Cos.).		
(A) Truckee River for 1,000 feet below the Lake Tahoe	Closed to all fishing	
outlet dam.	all year.	
NOTE: THE AREA FROM 1,000 FEET BELOW THE LAK	E TAHOE OUTLET DAN	I DOWNSTREAM TO
TROUT CREEK IS REGULATED BY THE DISTRICT GE	NERAL REGULATIONS.	
(B) Truckee River from the confluence of Trout Creek	Last Saturday in Apr.	2
downstream to the Glenshire Bridge.	through Nov. 15.	
	Minimum size limit:	
	15 inches total	
	length. Only artificial	
	lures with barbless	
	hooks may be used.	
	Nov. 16 through the	<u>0</u>
	Friday preceding the	
	last Saturday in Apr.	
	Only artificial lures	
	with barbless hooks	
	may be used.	
(C) Truckee River from the Glenshire Bridge	Last Saturday in Apr.	2
downstream to the mouth of Prosser Creek.	through Nov. 15.	
	Min.Minimum size	
	limit: 15 inches total	
	length. Only artificial	
	flies with barbless	
	hooks may be used.	
	Nov. 16 through the	<u>0</u>
	Friday preceding the	
	last Saturday in Apr.	
	Only artificial flies	
	with barbless hooks	
(D) T   D; ( )   (D )   (D )	may be used.	
(D) Truckee River from the mouth of Prosser Creek	Last Saturday in Apr.	2
downstream to Boca Bridge.	through Nov. 15.	
	Minimum size limit:	
	15 inches total	

	length. Only artificial lures with barbless hooks may be used.	
	Nov. 16 through the Friday preceding the last Saturday in Apr.	<u>0</u>
	Only artificial lures with barbless hooks may be used.	
(E) Truckee River from Boca Bridge downstream to the confluence of Gray Creek.	Last Saturday in Apr. through Nov. 15.	2
	Nov. 16 through the Friday preceding the last Saturday in Apr. Only artificial lures with barbless hooks may be used.	<u>0</u>
NOTE: THE AREA FROM GRAY CREEK DOWNSTREA REGULATED BY THE DISTRICT GENERAL REGULATI		ATE LINE IS

# Section 7.50(b)(198), Title 14, CCR is amended as follows:

Body of Water	Open Season and		Daily Bag and
,	Special Regulations	<u> </u>	Possession Limit
(198) Tuolumne River (Stanislaus and Tuolumne Cos.).		_	
(A) From O'Shaughnessy Dam (Hetchy Hetchy	Last Saturday in April	2	
Reservoir) downstream to Early Intake Dam.	through Nov. 15.		
	Minimum Maximum		
	size limit: 12 inches		
	total length. Only		
	artificial lures with		
	barbless hooks may		
	be used.		
	Nov. 16 through the	0	
	Friday preceding the		
	last Saturday in Apr.		
	Only artificial lures		
	with barbless hooks		
	may be used.		
(B) From Early Intake Dam downstream to Lumsden	Last Saturday in April	<u>5</u>	
Bridge.	through Nov. 15.		
	Nov. 16 through the	0	
	Friday preceding the		
	last Saturday in April		
	Only artificial lures		
	with barbless hooks		
	may be used.		
(B) (C) From Lumsden Bridge downstream to Clavey	Last Saturday in Apr.	2	
River Falls	through Nov. 15.		
	Maximum size limit: 12		
	inches total length		
	Only artificial lures		
	with barbless hooks		
	may be used.		
	Nov. 16 through the	<u>0</u>	
	Friday preceding the		
	last Saturday in Apr.		
	Only artificial lures		
	with barbless hooks		

	may be used.	
(C) (D) From La Grange Dam downstream to Hickman	Jan. 1 through	0 trout
bridge.	Oct. 31. Only artificial	0 salmon
	lures with barbless	
	hooks may be used.	
(D) (E) From Hickman bridge to the mouth.	Jan. 1 through	0 trout
	Oct. 31. Bait may be	0 salmon
	used from Jan. 1	
	through Oct. 31.	
	However, from April 1	
	through the Friday	
	preceding the fourth	
	Saturday in May, bait	
	may be used only with	
	single hooks having a	
	gap between 1/2 and	
	1 inch, or with multiple	
	hooks having a gap	
	between 1/4 and 1/2	
	inch.	

## Section 7.50(b)(205), Title 14, CCR is amended as follows:

Body of Water	Open Season and	Daily Bag and
,	Special Regulations	Possession Limit
(205) Walker River, East Fork	Last Saturday in Apr.	1
(Mono Co.) from Bridgeport Dam to Nevada State Line.	through Nov. 15.	
	Minimum size limit:	
	18 inches total	
	length. Only artificial	
	lures with barbless	
	hooks may be used.	
	NOTE: BOW AND	
	ARROW FISHING	
	FOR CARP ONLY IS	
	PERMITTED	
	DURING TROUT	
	SEASON.	
	Nov. 16 through the	<u>0</u>
	Friday preceding the	
	last Saturday in Apr.	
	Only artificial lures	
	with barbless hooks	
	may be used.	
	NOTE: BOW AND	
	ARROW FISHING	
	FOR CARP ONLY IS	
	PERMITTED	
	DURING TROUT	
	SEASON.	

## Informative Digest/Policy Statement Overview - DFG

(Subsections (b)(196), (198), (205) and (211))

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Fishery managers have determined that winter season catch-and-release trout fishing with artificial lures and barbless hooks has insignificant, often undetectable impacts to trout populations. Already low hooking mortality rates with artificial lures may be further diminished in winter due to cooler water temperatures. Department surveys conducted on the Upper Sacramento River during the 2004-2005 winter season estimated incidental hooking mortality of only 242 trout for the 38 miles of stream. Many "Blue Ribbon" streams and trout streams of national significance in the mountainous regions of other western states continue to provide winter season fisheries.

This proposal recommends the establishment of catch-and-release winter season fisheries for a selection of Sierra District streams listed in sections 7.50 and 7.00, Title 14, California Code of Regulations (CCR). These streams are:

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- 5. Upper Owens River, Section 7.50(b)(134)
- 6. Pit River, Section 7.50(b)(141)
- 7. Truckee River, Section 7.50(b)(196)
- 8. Tuolumne River, Section 7.50(b)(198)
- 9. East Walker River, Section 7.50(b)(205)
- 10. North Fork Yuba River, Section 7.50(b)(211)

Along with the proposed winter season fishery on the Tuolumne River (Section 7.50(b)(198)), the Department recommends a minor change to simplify the size limits (which apply to the existing open season) and make them consistent with the fishery management goal for this river. This proposal would change the existing 12-inch minimum size limit to a 12-inch maximum size limit for a 12-mile reach of the Tuolumne River. This simplifying change makes both size limits consistent with the goal of providing "trophy—size" wild trout angling. Both river reaches would continue to have a two-trout limit during the last Saturday in April through November 15 season.

Also, along with the proposed winter season fishery for the North Fork Yuba River (Section 7.50(b)(211)), the Department recommends eliminating the 10-inch minimum size limit which applies during the existing open season. This stretch of the river has a two-trout bag limit, is managed primarily for wild trout, and has a low harvest rate. The Department believes that the reduced bag limit with gear restrictions is sufficient to maintain a quality wild trout fishery. Allowing anglers to take two trout less than 10 inches will not significantly impact the population, making the 10-inch minimum size restriction unnecessary.

## **Regulatory Langauge**

## Section 7.50(b)(211), Title 14, CCR is amended as follows:

Body of Water	Open Season and Special Regulations	Daily Bag and Possession Limit
(211) Yuba River, North Fork (Sierra and Yuba Ccos.)		
(A) fFrom the western boundary of Sierra City to the	Last Saturday in Apr.	2
confluence with Ladies Canyon Creek.	through Nov. 15	
·	Minimum size limit: 10	
	inches total length.	
	Only artificial lures with	
	barbless hooks may be	

	used.	
	Nov. 16 through the	0
	Friday preceding the	
	last Saturday in Apr.	
	Only artificial lures with	
	barbless hooks may be	
	used.	
(B) From Ladies Canyon Creek downstream to New	Last Saturday in Apr.	<u>5</u>
Bullards Bar Reservoir.	through Nov. 15.	
	Nov. 16 through the	<u>0</u>
	Friday preceding the	
	last Saturday in Apr.	
	Only artificial lures with	
	barbless hooks may be	
	used.	

#### NOTE:

Authority cited: Sections 200, 202, 205, 215, 220, 240, 315 and 316.5, Fish and Game Code. Reference: Sections 200, 205, 206, 215 and 316.5, Fish and Game Code.

### §8.00. Supplemental Regulations.

#### Informative Digest/Policy Statement Overview - PUBLIC

Presently the Napa River Special Regulations, Section 7.50(b)(129), Title 14, Code of California Regulations (CCR), allow salmon fishing in the main stem from the Lincoln Bridge in Calistoga to the Trancas Bridge. The Napa Resource Conservation District (RCD) aquatic biologists have been doing stream habitat and fishery surveys in the Napa River for the last few years. The RCD believes there is a significant Chinook spawning in the reach between the Lincoln Bridge in Calistoga and the Oakville Cross Road Bridge near Yountville. The RCD is concerned that the Napa River Chinook salmon run is in the 300-600 fish range, based on their own redd surveys. They are requesting the Department close this area to salmon fishing to protect the Chinook salmon redds.

The proposal would close the Napa River to salmon fishing year round between the Lincoln Bridge in Calistoga and the Oakville Cross Road Bridge near Yountville. Most of this reach is bordered by private land. This closure would result in a reduction of approximately 16 stream miles of river, and there is only one legal point for the public to access the river in this reach.

The Department at the RCD's request is proposing the Low Flow regulations (Section 8.00(b), Title 14, CCR) be revised to separate the Napa River from other Central Coast Streams which reply on 500 cubic feet per second (cfs) minimum flow from the Russian River gauge near Guerneville. This proposal would use the Napa River gauge near the city of Napa with a 15 cfs minimum flow for the Napa River. This proposal would use the stream hydrology of the Napa River instead of the unrelated flows measured on the Russian River in a different watershed.

The RCD will provide the Department with the necessary flow trigger information every Wednesday morning to update the public low flow closure notice maintained by the Department. The minimum flow of 15 cfs is a conservative number based on qualitative field experience of the RCD's aquatic biologists doing stream habitat and fishery surveys in the Napa River for the last few years. They are concerned that the Napa River Chinook salmon run ranges from 300 to 600 fish, based on their own redd surveys. Based upon the RCD's information, Chinook salmon may find their upstream passage impeded at minimum flows below 15 cfs following Department fish passage criteria.

This proposed change in the low flow restrictions will allow the Napa River restrictions to accurately monitor low fish passage conditions. It will help protect spawning adults under low flow conditions, when the success of the run may be impaired due to the inability of adults to reach the spawning grounds upstream, and may allow a few more adults to survive to spawn if flows come up later in the season.

The Department supports both these RCD proposals.

## **Regulatory Langauge**

Section 8.00(b), Title 14, CCR is amended as follows:

#### 8.00. Low-Flow Restrictions.

(b) Central Coast Streams: Stream Closures: Special Low Flow Conditions.

From October 1 through April 1 in Napa River (Napa County) between Trancas Avenue in Napa and Lincoln Bridge in Calistoga, Sonoma Creek (Sonoma County), and all streams tributary to the Pacific Ocean (and its bays) in Mendocino, Sonoma, and Marin counties, except for the Russian River, shall be closed to all angling for a period of one week, commencing on any Thursday when the Department determines that the flow on the previous Wednesday morning at the gauging station on the main stem Russian River near Guerneville (Sonoma County) is less than 500 cfs. Notwithstanding this provision, the Department may immediately reopen the streams to fishing if it determines that such flows exceed 500 cfs and no negative impact to the resource would result. The Department shall make information available to the public by telephone recorded message, updated no later then 1:00 p.m. each Wednesday, as to whether any stream will be open or closed to fishing. It shall be the responsibility of the angler to use the telephone number designated in the sport fishing regulations booklet to obtain information on the status of any stream.

THE NUMBER TO CALL FOR INFORMATION IS (707) 944-5533.

From October 1 through April 1, any of the stream reaches listed in subsections (1) and (2) below shall be closed to all angling for a period of one week, commencing on any Thursday, when the Department determines that the flow on the previous Wednesday morning at the designated gauging station is less than the minimum flows set forth in subsections (1) and (2). Notwithstanding this provision, the Department may immediately reopen the streams to fishing if it determines that such flows exceed the minimum flows set forth in subsections (1) and (2) and no negative impact to the resource would result. The Department shall make information available to the public by telephone recorded message, updated no later then 1:00 p.m. each Wednesday, as to whether any stream will be open or closed to fishing. It shall be the responsibility of the angler to use the telephone number designated in the sport fishing regulations booklet to obtain information on the status of any stream.

THE NUMBER TO CALL FOR INFORMATION IS (707) 944-5533.

(1) The Sonoma Creek (Sonoma County), and all streams tributary to the Pacific Ocean (and its bays) in Mendocino, Sonoma, and Marin counties, except for the Russian River.

Minimum Flow: 500 cfs at the gauging station on the main stem Russian River near Guerneville (Sonoma County).

(2) The Napa River (Napa County) between Trancas Avenue in Napa and Oakville Cross Bridge near Yountville.

Minimum Flow: 15 cfs at the gauging station at the Oak Knoll Bridge on the main stem Napa River.

#### NOTE:

Authority cited: Sections 200, 202, 205, 215 and 220, Fish and Game Code. Reference: Sections 200, 202, 205, 206 and 220, Fish and Game Code.

- §8.10. Youth Fishing Derby, Susan River (Lassen County). (No Change)
- §8.20. Special Provisions Affecting California Indians. (No Change)
- §27.00. Definition. (No Change)
- §27.05. Chumming. (No Change)
- §27.10. Live Bait Restrictions. (No Change)
- §27.15. Multi-Day Fishing Trips. (No Change)
- §27.20. Duxbury Reef Reserve (Marin Co.). (No Change)
- §27.25. Gerstle Cove Reserve (Sonoma Co.). (No Change)
- §27.30. Point Reyes Headlands Reserve (Marin Co.). (No Change)

- §27.35. Estero de Limantour Reserve (Marin Co.). (No Change)
- §27.40. Lover's Cove Reserve, Santa Catalina Island (Los Angeles Co.). (No Change)
- §27.42. Pismo Invertebrate Reserve (San Luis Obispo Co.). (No Change)
- §27.45. Point Cabrillo Reserve (Mendocino County). (No Change)
- §27.50. Point Loma Reserve (San Diego Co.). (No Change)
- §27.51. Robert W. Crown Reserve (Alameda Co.). (No Change)
- §27.56. Take General. (No Change)
- §27.60. Limit.

# Informative Digest/Policy Statement Overview - DFG

California's green sturgeon and white sturgeon support a popular sport fishery in the San Francisco Estuary and Sacramento-San Joaquin River System and a lesser fishery in the ocean. Green sturgeon and white sturgeon are prone to overfishing due to their life-histories and behavior. Their numbers are also subject to decline attributable to habitat loss and habitat degradation. White sturgeon (in particular) are subject to organized poaching and illegal commercialization of their highly-valuable eggs and flesh.

Current fishing regulations for these two sturgeon species provide a year-round fishery, a daily bag and possession limit of one fish, a size limit of 46 to 72 inches total length, and area and seasonal closures. These regulations do not differentiate between different life histories and population status, ignore the population-effects of varying production of young sturgeon, can not manage the boom-and-bust character of the fishery, and make it difficult to deter poaching and illegal commercialization.

The Department of Fish and Game (Department) is proposing regulations which will facilitate existing efforts to improve California's sturgeon populations and protect the sturgeon fishery by improved habitat, better fish passage, increased population and fishery monitoring, effective enforcement, and comprehensive coordination with the public.

The proposed regulations include a size limit for white sturgeon of 46 to 60 inches total length, no retention of green sturgeon, a daily bag limit of one white sturgeon, an annual bag limit three white sturgeon, no authorization of boat limits when sturgeon fishing in ocean waters, and an annual sturgeon report card with tags.

If the regulations proposed here are implemented and substantially enforced, the fundamental character of California's sturgeon fishery will be preserved while important additional fishery management, population management, and anti-poaching measures will be effected.

<u>Section 1.62, Title 14, CCR:</u> Section 1.62 addresses handling requirements for fish to be released due to size restrictions. However, Section 1.62 references only handling of fish that are less than the legal size.

The proposed amendment to Section 1.62 would extend the protections now afforded fish less than legal size to fish greater than legal size. Handling requirements afforded fish – particularly sturgeon – greater than legal size are basic conservation measures designed to minimize stress and mortality to captured fish that must be released.

<u>Sections 5.80 and 27.90, Title 14, CCR:</u> These sections limit retention of sturgeon for inland (Section 5.80) and ocean (Section 27.90) waters. The current sections do not differentiate between white sturgeon and green sturgeon.

The proposed amendment removes green sturgeon to their own section and includes measures to improve white sturgeon spawning potential, population resiliency, fishery data, and anti-poaching efforts:

a white sturgeon size limit of 46 to 60 inches total length,

- a 3-fish-per-year white sturgeon bag limit,
- specific requirements for a Sturgeon Fishing Report Card, and
- a requirement to apply tags to retained white sturgeon.

The size limit would protect approximately 12 year-classes of sturgeon from harvest during a period when female sturgeon of this size and age have tremendous reproductive potential.

The 3-fish annual bag limit would allocate the sturgeon resource more-equitably and reduce the incentive for illegal commercialization of sturgeon.

The report card with tags would be necessary to enforce the annual bag limit and to collect much-needed information on catch of sturgeon by anglers. Because enforcement of the annual bag limit and collection of catch data are both very important, possession of the card and use of the tags would be required of children and other potentially non-licensed anglers (e.g., those participating fishing from piers). These potentially non-licensed anglers were recently estimated at about 16 % of all anglers in marine waters during 2004 and 2005.

### Sturgeon Fishing Report Card Requirements

- Any person fishing for sturgeon shall have in their possession a nontransferable Sturgeon Fishing Report Card issued by the department
- This includes anglers who are under 16 years of age, anglers who are fishing from a public pier, and anglers
  who hold a lifetime fishing license. Anglers who are under 16 years of age may purchase a sturgeon fishing
  report card without purchasing a sport fishing license.
- A Sturgeon Fishing Report Card shall be valid for the calendar year as shown on the report card.
- No person may purchase more than one Sturgeon Fishing Report Card per year or possess any Sturgeon Fishing Report Card other than their own.
- Anglers must return their card by January 31 of the following year shown on the report card to the address specified on the Sturgeon Fishing Report Card.
- If the angler holds a sport fishing license, the report card number shall be entered in ink on the angler's sport fishing license, and the sport fishing license number shall be entered in ink on the report card on the appropriate line.
- Whenever the cardholder catches a sturgeon, whether the fish is retained or released, the cardholder shall use a ball point pen to immediately record on the Sturgeon Fishing Report Card all of the following information: month and day, catch location, and species of sturgeon. If a white sturgeon is retained, the total length of the fish must also be recorded on the report card immediately.

## Sturgeon Tagging Requirements

- A Sturgeon Fishing Report Card includes three tags that are to be used to tag any white sturgeon that is retained.
- After retaining a white sturgeon the date the fish is taken shall be immediately recorded on the tag with a ball point pen.
- The angler shall immediately attach the tag to the body of the white sturgeon, and leave the tag in place until the fish is processed, steaked, or filleted for consumption and stored at a residence or non-transient location.

<u>Sections 5.81 and 27.91, Title 14, CCR:</u> This action would create sections specific to green sturgeon for inland (Section 5.81) and ocean (Section 27.91) waters, eliminate retention of green sturgeon, and complement the proposals to amend sections 5.80 and 27.90 so that it addresses only limits to white sturgeon retention.

<u>Section 27.60, Title 14, CCR:</u> This section limits retention of sturgeon in ocean waters. With regards to sturgeon, it is simply a table that reiterates information in Section 27.90.

The proposed amendment would make contents of the table consistent with Section 27.90 and no authorization of boat limits while sturgeon fishing in ocean waters to align with proposed Section 195 changes. Furthermore, the amendment would complement the proposed establishment of Section 27.91 on green sturgeon retention.

<u>Section 27.95, Title 14, CCR:</u> This section limits take of sturgeon in an area of San Francisco Bay between January 1 and March 15. The proposed amendment is a slight wording change that would complement the proposed changes to sections 27.90 and 27.91.

<u>Section 195, Title 14, CCR:</u> This section contains the regulations for boat limits in ocean waters. The proposed amendment has no authorization of boat limits while sturgeon fishing in ocean waters to ensure accurate data is collected from the report cards.

<u>Section 701, Title 14, CCR:</u> This section contains regulatory form numbers that are incorporated by reference and their fees which are adjusted annually pursuant to the provisions of Section 699, Title 14, CCR.

The proposed amendment provides the annual fee updates for the Declaration for Multi-Day Fishing Trip, Permit Authorizing Transit of a Recreational Fishing Vessel Through Areas Closed to Fishing (Annual and 30 days or less) forms, adds 2007 Salmon Punch Card and 2007 Steelhead Fishing Report and Restoration Card form numbers and fees to this section, reflects the required changes made to sections 5.80 and 27.90 for the Sturgeon Fishing Report Card.

The Sturgeon Fishing Report Card fee will range from \$0 to \$7.50, which are the minimum and maximum permit prices that the Department can charge without legislation. The final fee will be determined from report card printing and administration costs, final funding source, the projected anglers and a 5% license agent handling fee calculated pursuant to Fish and Game Code 1055(b).

Minor changes were made to improve the clarity of the regulations.

## **Regulatory Language**

Section 27.60, Title 14, CCR, is amended as follows:

#### 27.60. Limit.

- (a) General. No more than 20 finfish in combination of all species with not more than 10 of any one species, may be taken or possessed by any one person except as otherwise provided or as defined in subsection (e) below or in Section 195. (See Sections 27.70 through 28.62 for minimum size limits and poundage restrictions for certain species.)
- (b) Within the overall bag limit of 20 fish with not more than 10 of any one species, the following special limits apply:
- (1) Federal groundfish (as defined in Section 1.91) and species associated with federal groundfish (limited to greenlings of the genus *Hexagrammos*, California sheephead, and ocean whitefish):
- (A) Rockfish, Cabezon, and Greenling complex (RCG complex), as defined in subsection 1.91(b) -10 fish in total (also see Sections 27.82, 28.28, 28.29 and 28.55). Within the 10-fish RCG complex limit, the following sub-limits also apply: cabezon one fish, greenlings of the genus *Hexagrammos* one fish, bocaccio one fish, except in the Northern Rockfish and Lingcod Management Area (as defined in subsection 27.82(a)) where the sub-limit is two fish, canary rockfish zero fish, cowcod zero fish, and yelloweye rockfish zero fish.
- (B) For species of federal groundfish that are not part of the Rockfish, Cabezon, and Greenling complex (RCG complex, see subsection (a)(1)(A) above), the following special limits apply: California scorpionfish five fish (see Sections 27.82 and 28.54), leopard shark three fish (see Section 28.56), lingcod two fish (see Sections 27.82 and 28.27), and soupfin shark one fish. See subsection (d) below for federal groundfish species with no limits.
- (C) For species associated with federal groundfish that are not part of the Rockfish, Cabezon, and Greenling complex (RCG complex, see subsection (a)(1)(A) above), the following special limits apply: California sheephead five fish (see Section 28.26).
- (D) Bag and possession limits for all species of federal groundfish (as defined in Section 1.91, including rockfish, cabezon, lingcod, and California scorpionfish), greenlings of the genus *Hexagrammos*, California sheephead, and ocean whitefish may be changed during the year or in-season by the department under the authority of subsection 27.82(e). The department will provide a news release notifying the public 10 days in advance of a change to daily bag limits for these species made under the authority of subsection 27.82(e). Anglers and divers are advised to check the current rules before fishing. The latest fishing rules may be found on the department's website at: www.dfg.ca.gov/mrd/, or by calling (831) 649-2801 for recorded information, or by contacting a department office.

(2) For species other than federal groundfish (as defined in Section 1.91) and species associated with federal groundfish (limited to greenlings of the genus *Hexagrammos*, California sheephead, and ocean whitefish), within the overall bag limit of 20 fish, the following special limits apply:

Zero fish (Prohibited)	One fish	Two fish	Three Fish	Five Fish
giant (black) sea bass (except as provided in Section 28.10)	white sturgeon (see Section 27.90)	salmon (except as provided in Section 27.80)	trout taken from ocean and bays (see Section 27.70)	In San Francisco and San Pablo bays only, the surfperch daily bag limit is five fish in the aggregate. See Section 28.59 and subsection 27.60(c) for other surfperch bag limits.
Garibaldi (see Section 28.05)	Pacific halibut (see Section 28.20)	striped bass (see Section 27.85)	white seabass (except as provided in Section 28.35)	California halibut (except as provided in Section 28.15)
gulf grouper (see Section 28.12)	marlin (see Section 28.50)	broadbill swordfish (see Section 28.40)		
Broomtail grouper (see Section 28.12)	sevengill shark	Blue shark		
white shark (see Section 28.06)	sixgill shark	thresher shark		
green sturgeon (see Section 27.92)		shortfin mako shark		

- (c) Special daily bag limits for shiner surfperch.
- (1) The special limit for shiner surfperch is 20, which may be taken or possessed in addition to the overall daily bag limit of 20 finfish defined in subsection 27.60(a) and the special limits defined in subsection 27.60(b).
- (d) There is no limit on the following species: Albacore, anchovy, bluefin tuna, grunion, jacksmelt, topsmelt, Pacific butterfish (pompano), queenfish, sanddabs, skipjack, jack mackerel, Pacific mackerel, Pacific staghorn sculpin, round herring, Pacific herring and Pacific sardine. There is no limit on the following species of federal groundfish: petrale sole, Pacific sanddab, and starry flounder.
- (e) Boat limit. When two or more persons that are licensed or otherwise authorized to sport fish in ocean waters off California or in the San Francisco Bay District, defined in Section 27.00, are angling for finfish aboard a vessel in these waters, fishing by all authorized persons aboard may continue until boat limits of those finfish identified under subsections (a) through (c) above are taken and possessed aboard the vessel as authorized under this section or Section 195, Title 14, CCR.
- (1) The authorization for boat limits aboard a vessel does not apply to fishing trips originating in California where fish are taken in other jurisdictions.
- (2) A boat limit for a species or species group identified in subsections (a) through (c) above is the number of persons aboard a vessel that are licensed or otherwise authorized to sport fish in ocean waters off California, or in waters of the San Francisco Bay District, (see special conditions of Section 195, Title 14, CCR, applicable to operator and crew members of vessels licensed pursuant to Fish and Game Code 7920.) multiplied by the individual daily bag limit authorized for a species or species group in those waters. With the exception of species listed in subsection (d) above, the total fish aboard a boat may not exceed the aggregate per-person daily bag limit of 20-finfish in combination of all species times the number of anglers licensed or otherwise authorized to sport fish aboard the vessel. It is unlawful to exceed the boat limit at any time.
- (3) All persons aboard a vessel may be cited where violations involving boat limits are found, including, but not limited to the following violations:
- (A) Over limits
- (B) Possession of prohibited species
- (C) Violation of size limits
- (D) Fish taken out of season or in closed areas.
- (4) Upon completion of a fishing trip aboard a vessel, each licensed angler or person otherwise authorized to sport fish may not possess more than the individual daily bag and possession limits defined in Section 1.17,

Title 14, CCR and in subsections (a) through (c) above. For purposes of this section, a trip is completed at the time a person disembarks from a vessel and individual possession limits apply. Special boat limit provisions apply to persons fishing aboard commercial passenger fishing vessels reporting pursuant to Section 195, Title 14, CCR.

- (5) Species or species groups for which no daily bag limit exists under subsection (d) above are not counted as part of a boat limit.
- (6) Boat limits are not authorized for sturgeon fishing and shall not apply to the take, possession or retention of sturgeon.

#### NOTE:

Authority cited: Sections 200, 202, 7071 and 8587.1, Fish and Game Code. Reference: Sections 205, 210, 7071 and 7120, Fish and Game Code.

#### §27.65. Filleting of Fish on Vessels.

#### Informative Digest/Policy Statement Overview - DFG

Depending on the species taken and the fishing location, recreational anglers may fillet their fish while fishing aboard vessels as described in regulations of Section 27.65, Title 14, CCR. Special regulations for filleting are needed so that other regulations defining minimum size limits are enforceable. Once a fish is filleted, it is often difficult or impossible to determine what species of fish the fillet originated from. Without special fillet regulations, individuals would be able to fillet fish at sea that were not of minimum size, and avoid enforcement of those limits when returning to port.

A minimum fillet size is provided for most species for which there is a minimum size limit, and regulations also specify additional requirements including how much skin must be left attached to the fillet, so that the species of fish can be readily identified.

Recreational anglers, and particularly the Commercial Passenger Fishing Vessel (CPFV) fleet, often prefer to fillet their catch at sea to ease waste disposal issues and to preserve the quality of the catch.

Subsection (b)(8) specifies the fillet rules for rockfish. Bocaccio is the only species of rockfish that has a minimum size limit (10 inches), and the corresponding minimum fillet size is five inches. Present regulations in this subsection, however, also require a 6.5-inch minimum size for "brown-skinned" rockfish fillets.

Rockfish, and particularly rockfish fillets, look very similar in appearance to kelp bass fillets, and can easily be confused. Kelp bass have a minimum size limit of 12 inches and a corresponding fillet size limit of 6.5 inches. Therefore, to ensure the minimum size limit for kelp bass was adhered to, regulations were also needed for rockfish fillet sizes.

However, when those regulations for kelp bass and rockfish fillets were established many years ago, there was no requirement that the skin be left intact on the entire rockfish fillet. At that time, the regulations required only that rockfish fillets have a one-inch by one-inch patch of skin left attached to the fillet.

In 2004, the regulations in (b)(8) for rockfish fillets were amended, and the skin patch requirement was eliminated in favor of the requirement that all rockfish fillets must have the entire skin left attached. This change was needed to improve identification of rockfish species, which became increasingly important for enforcement staff to be able to do, given new regulations that prohibit retention of certain species of rockfish such as cowcod, canary and yelloweye rockfish.

However, when that 2004 amendment was made, the requirement that all "brown skinned" rockfish fillets must be 6.5 inches was inadvertently left in place. Today, the regulation no longer serves its intended purpose, since there is no longer any potential confusion between bass fillets and rockfish fillets, since rockfish fillets now must have the entire skin intact.

The "brown-skinned" regulation has also proven to be vague and confusing to the public and enforcement staff alike, given that there is no definition of "brown skinned rockfish" provided in any regulation of Title 14. Because rockfish often have varying color patterns that are shades of brown, red, orange, gray, copper and pink, there is no distinct measure of which rockfish are "brown skinned" and which are not.

Moreover, the regulation has proven to be burdensome for anglers who wish to fillet their rockfish that are

"brown skinned" but are of a size that cannot produce a fillet that is at least 6.5 inches long. This is most often the case for squarespot, gopher and calico rockfish, which are species which would almost certainly be classified as "brown skinned," yet are generally small. Consequently, in practice, these fish are often released or discarded in exchange for a fish that can legally be filleted at sea, although the fish is otherwise legal to retain.

Based on the aforementioned reasons, the Department recommends the Commission remove the requirement that "brown skinned" rockfish fillets be 6.5 inches in length, as the regulation is no longer necessary for ongoing protection of the kelp bass resource, is needlessly confusing and vague, and is likely adding to rockfish discard rates.

Minor changes are proposed to improve the clarity of the regulations.

## **Regulatory Language**

## Section 27.65. Filleting of Fish on Vessels.

- (a) Definition of Fillet: For the purpose of this section a fillet is the flesh from one side of a fish extending from the head to the tail which has been removed from the body (head, tail and backbone) in a single continuous piece.
- (b) Fish That May be Filleted: No person shall fillet on any boat or bring ashore as fillets any fish, except in accordance with the following requirements:
- (1) Kelp bass, sand bass, spotted bass, and ocean whitefish: All fillets shall be a minimum of six and one-half inches in length. Each fillet shall bear intact a one-inch square patch of skin.
- (2) Barracuda: Fillets must be a minimum of 17 inches in length. Each fillet shall bear intact a one-inch square patch of silver skin.
- (3) Lingcod. Lingcod fillets must be a minimum of 16 inches in length. Each fillet shall bear intact a one-inch square patch of skin. The minimum size and minimum fillet size for lingcod may be changed during the year or in-season by the department under the authority of subsection 27.82(e). The department will provide a news release notifying the public 10 days in advance of a change to the minimum size and minimum fillet size for lingcod made under the authority of subsection 27.82(e). Anglers and divers are advised to check the current rules before fishing. The latest fishing rules may be found on the department's website at: www.dfg.ca.gov/mrd/, or by calling (831) 649-2801 for recorded information, or by contacting a department office.
- (4) White sea bass: Fillets must be a minimum of 19 inches in length. Each fillet shall bear intact a one-inch square patch of silver skin.
- (5) Pacific bonito: No more than 10 fillets of any length may be possessed. All bonito fillets possessed shall be considered a part of the allowable undersized tolerance of five bonito per day less than 24 inches fork length or weighing less than five pounds as provided in Section 28.32 of these regulations. All fillets shall bear intact a one-inch square patch of skin.
- (6) California halibut taken from or possessed aboard a vessel south of Point Arena (Mendocino County): Fillets must be a minimum of 16 and three-quarter inches in length and shall bear the entire skin intact. A fillet from a California halibut (flesh from one entire side of the fish with the entire skin intact) may not be cut in half fillets. However, a fillet may be cut lengthwise in a straight line along the midline of the fillet where the fillet was attached to the vertebra (backbone) of the fish only if the two pieces of a fillet remain joined along their midline for a length of at least two inches at one end of the fillet.
- (7) Yellowtail: Fillets must be a minimum of 17 inches in length, except not more than 10 fillets may be less than 17 inches. Each fillet shall bear intact a one-inch square patch of skin.
- (8) Rockfish: Fillets must have the entire skin attached. Brown-skinned rockfish: Fillets shall be a minimum of six and one-half inches in length. Bocaccio fillets must be a minimum of five inches in length. The minimum size and minimum fillet size for rockfish may be changed during the year or in-season by the department under the authority of subsection 27.82(e). The department will provide a news release notifying the public 10 days in advance of a change to the minimum size and minimum fillet size for rockfish made under the authority of subsection 27.82(e). Anglers and divers are advised to check the current rules before fishing. The latest fishing rules may be found on the department's website at: www.dfg.ca.gov/mrd/, or by calling (831) 649-2801 for recorded information, or by contacting a department office.
- (9) California scorpionfish (commonly termed "sculpin"): Fillets must be a minimum of 5 inches. Each fillet shall bear intact a one-inch square patch of skin. The minimum size and minimum fillet size for California scorpionfish may be changed during the year or in-season by the department under the authority of subsection

- 27.82(e). The department will provide a news release notifying the public 10 days in advance of a change to the minimum size and minimum fillet size for California scorpionfish made under the authority of subsection 27.82(e). Anglers and divers are advised to check the current rules before fishing. The latest fishing rules may be found on the department's website at: www.dfg.ca.gov/mrd/, or by calling (831) 649-2801 for recorded information, or by contacting a department office.
- (10) All other species except those listed in subsection (c) of this section: Each fillet shall bear intact a one-inch square patch of skin. The fillets may be of any size.
- (c) Fish That May Not be Filleted: No person shall fillet on any boat or bring ashore as fillets the following fish: cabezon, kelp and rock greenlings, greenlings of the genus Hexagrammos, California halibut north of Point Arena (Mendocino County), and any species of flatfish, other than California halibut, including Pacific and Greenland halibut, tonguefish, sole, turbot, flounder, and sanddab, and salmon, striped bass and sturgeon. salmon, striped bass, sturgeon, and any species of flatfish, except California halibut may be filleted south of Point Arena (Mendocino County).

NOTE: Authority: Sections 200, 202, and 205, Fish and Game Code. Reference: Sections 200, 202, 205, 206, 209, 210, 215, 218, 220, 5508 and 5509, Fish and Game Code.

- §27.67. Transport of Recreational Finfish Through a Restricted Fishing Area (No Change)
- §27.70. Trout in the Ocean. (No Change)
- §27.75. Salmon Closures. (No Change)
- §27.80. Salmon. (No Change)
- §27.82. Management Areas Defined; Closure Periods Defined. (No Change)
- §27.85. Striped Bass. (No Change)
- §27.90. Sturgeon.

#### Informative Digest/Policy Statement Overview - DFG

California's green sturgeon and white sturgeon support a popular sport fishery in the San Francisco Estuary and Sacramento-San Joaquin River System and a lesser fishery in the ocean. Green sturgeon and white sturgeon are prone to overfishing due to their life-histories and behavior. Their numbers are also subject to decline attributable to habitat loss and habitat degradation. White sturgeon (in particular) are subject to organized poaching and illegal commercialization of their highly-valuable eggs and flesh.

Current fishing regulations for these two sturgeon species provide a year-round fishery, a daily bag and possession limit of one fish, a size limit of 46 to 72 inches total length, and area and seasonal closures. These regulations do not differentiate between different life histories and population status, ignore the population-effects of varying production of young sturgeon, can not manage the boom-and-bust character of the fishery, and make it difficult to deter poaching and illegal commercialization.

The Department of Fish and Game (Department) is proposing regulations which will facilitate existing efforts to improve California's sturgeon populations and protect the sturgeon fishery by improved habitat, better fish passage, increased population and fishery monitoring, effective enforcement, and comprehensive coordination with the public.

The proposed regulations include a size limit for white sturgeon of 46 to 60 inches total length, no retention of green sturgeon, a daily bag limit of one white sturgeon, an annual bag limit three white sturgeon, no authorization of boat limits when sturgeon fishing in ocean waters, and an annual sturgeon report card with tags.

If the regulations proposed here are implemented and substantially enforced, the fundamental character of California's sturgeon fishery will be preserved while important additional fishery management, population management, and anti-poaching measures will be effected.

<u>Section 1.62, Title 14, CCR:</u> Section 1.62 addresses handling requirements for fish to be released due to size restrictions. However, Section 1.62 references only handling of fish that are less than the legal size.

The proposed amendment to Section 1.62 would extend the protections now afforded fish less than legal size to fish greater than legal size. Handling requirements afforded fish – particularly sturgeon – greater than legal size are basic conservation measures designed to minimize stress and mortality to captured fish that must be released.

<u>Sections 5.80 and 27.90, Title 14, CCR:</u> These sections limit retention of sturgeon for inland (Section 5.80) and ocean (Section 27.90) waters. The current sections do not differentiate between white sturgeon and green sturgeon.

The proposed amendment removes green sturgeon to their own section and includes measures to improve white sturgeon spawning potential, population resiliency, fishery data, and anti-poaching efforts:

- a white sturgeon size limit of 46 to 60 inches total length,
- a 3-fish-per-year white sturgeon bag limit,
- · specific requirements for a Sturgeon Fishing Report Card, and
- a requirement to apply tags to retained white sturgeon.

The size limit would protect approximately 12 year-classes of sturgeon from harvest during a period when female sturgeon of this size and age have tremendous reproductive potential.

The 3-fish annual bag limit would allocate the sturgeon resource more-equitably and reduce the incentive for illegal commercialization of sturgeon.

The report card with tags would be necessary to enforce the annual bag limit and to collect much-needed information on catch of sturgeon by anglers. Because enforcement of the annual bag limit and collection of catch data are both very important, possession of the card and use of the tags would be required of children and other potentially non-licensed anglers (e.g., those participating fishing from piers). These potentially non-licensed anglers were recently estimated at about 16 % of all anglers in marine waters during 2004 and 2005.

#### Sturgeon Fishing Report Card Requirements

- Any person fishing for sturgeon shall have in their possession a nontransferable Sturgeon Fishing Report Card issued by the department
- This includes anglers who are under 16 years of age, anglers who are fishing from a public pier, and anglers who hold a lifetime fishing license. Anglers who are under 16 years of age may purchase a sturgeon fishing report card without purchasing a sport fishing license.
- A Sturgeon Fishing Report Card shall be valid for the calendar year as shown on the report card.
- No person may purchase more than one Sturgeon Fishing Report Card per year or possess any Sturgeon Fishing Report Card other than their own.
- Anglers must return their card by January 31 of the following year shown on the report card to the address specified on the Sturgeon Fishing Report Card.
- If the angler holds a sport fishing license, the report card number shall be entered in ink on the angler's sport fishing license, and the sport fishing license number shall be entered in ink on the report card on the appropriate line.
- Whenever the cardholder catches a sturgeon, whether the fish is retained or released, the cardholder shall use
  a ball point pen to immediately record on the Sturgeon Fishing Report Card all of the following information:
  month and day, catch location, and species of sturgeon. If a white sturgeon is retained, the total length of the
  fish must also be recorded on the report card immediately.

#### Sturgeon Tagging Requirements

- A Sturgeon Fishing Report Card includes three tags that are to be used to tag any white sturgeon that is
  retained.
- After retaining a white sturgeon the date the fish is taken shall be immediately recorded on the tag with a ball point pen.
- The angler shall immediately attach the tag to the body of the white sturgeon, and leave the tag in place until the fish is processed, steaked, or filleted for consumption and stored at a residence or non-transient location.

<u>Sections 5.81 and 27.91, Title 14, CCR:</u> This action would create sections specific to green sturgeon for inland (Section 5.81) and ocean (Section 27.91) waters, eliminate retention of green sturgeon, and

complement the proposals to amend sections 5.80 and 27.90 so that it addresses only limits to white sturgeon retention.

<u>Section 27.60, Title 14, CCR:</u> This section limits retention of sturgeon in ocean waters. With regards to sturgeon, it is simply a table that reiterates information in Section 27.90.

The proposed amendment would make contents of the table consistent with Section 27.90 and no authorization of boat limits while sturgeon fishing in ocean waters to align with proposed Section 195 changes. Furthermore, the amendment would complement the proposed establishment of Section 27.91 on green sturgeon retention.

<u>Section 27.95, Title 14, CCR:</u> This section limits take of sturgeon in an area of San Francisco Bay between January 1 and March 15. The proposed amendment is a slight wording change that would complement the proposed changes to sections 27.90 and 27.91.

<u>Section 195, Title 14, CCR:</u> This section contains the regulations for boat limits in ocean waters. The proposed amendment has no authorization of boat limits while sturgeon fishing in ocean waters to ensure accurate data is collected from the report cards.

<u>Section 701, Title 14, CCR:</u> This section contains regulatory form numbers that are incorporated by reference and their fees which are adjusted annually pursuant to the provisions of Section 699, Title 14, CCR.

The proposed amendment provides the annual fee updates for the Declaration for Multi-Day Fishing Trip, Permit Authorizing Transit of a Recreational Fishing Vessel Through Areas Closed to Fishing (Annual and 30 days or less) forms, adds 2007 Salmon Punch Card and 2007 Steelhead Fishing Report and Restoration Card form numbers and fees to this section, reflects the required changes made to sections 5.80 and 27.90 for the Sturgeon Fishing Report Card.

The Sturgeon Fishing Report Card fee will range from \$0 to \$7.50, which are the minimum and maximum permit prices that the Department can charge without legislation. The final fee will be determined from report card printing and administration costs, final funding source, the projected anglers and a 5% license agent handling fee calculated pursuant to Fish and Game Code 1055(b).

Minor changes were made to improve the clarity of the regulations.

#### **Regulatory Language**

Section 27.90, Title 14, CCR, is amended as follows:

## 27.90. White Sturgeon.

- (a) Open season: All year.
- (b) Daily and annual bag limit: One fish per day. Three fish per year statewide.
- (c) Size limit: No fish less than 46 inches total length or greater than 72 60 inches total length may be taken or possessed.
- (d) Methods of take: The sturgeon must voluntarily take the bait or lure in its mouth. No sturgeon may be taken by trolling, snagging or by the use of firearms. Sturgeon may not be gaffed, nor shall any person use any type of firearm to assist in landing or killing any sturgeon.
- (e) Report card: Any person fishing for sturgeon shall have in their possession a nontransferable Sturgeon Fishing Report Card issued by the department.
- (1) Report card requirements.
- (A) Notwithstanding other statutes and regulations that exempt sport fishing license requirements, a Sturgeon Fishing Report Card is required for any person fishing for sturgeon. This includes anglers who are under 16 years of age, anglers who are fishing from a public pier, and anglers who hold a lifetime fishing license.

  Anglers who are under 16 years of age may purchase a sturgeon fishing report card without purchasing a sport fishing license.
- (B) A Sturgeon Fishing Report Card shall be valid for the calendar year as shown on the report card.
- (C) Notwithstanding other statutes and regulations, no person may purchase more than one Sturgeon Fishing Report Card per year or possess any Sturgeon Fishing Report Card other than their own.
- (D) The form number and fee for a Sturgeon Fishing Report Card are specified in Section 701.
- (E) Anglers must return their card by January 31 of the following year shown on the report card to the address specified on the Sturgeon Fishing Report Card.

- (2) Completion procedures.
- (A) Upon purchase of the Sturgeon Fishing Report Card, if the angler is required to hold a sport fishing license, the report card number shall be entered in ink on the angler's sport fishing license, and the sport fishing license number shall be entered in ink on the report card on the appropriate line.
- (B) Whenever the cardholder catches a sturgeon, whether the fish is retained or released, the cardholder shall use a ball point pen to immediately record on the Sturgeon Fishing Report Card all of the following information: month and day, catch location, and species of sturgeon. If a white sturgeon is retained, the total length of the fish must also be recorded immediately on the report card.
- (C) If all lines in the "sturgeon released" field of the report card are filled, any additional sturgeon caught and released need not be recorded on the card.
- (f) Tagging Requirements: A Sturgeon Fishing Report Card includes three tags that are to be used to tag any white sturgeon that is retained.
- (1) After retaining a white sturgeon the date the fish is taken shall be immediately recorded on the tag with a ball point pen.
- (2) The angler shall immediately attach the tag to the body of the white sturgeon, and leave the tag in place until the fish is processed, steaked, or filleted for consumption and stored at a residence or non-transient location.
- (g) For regulations on take and possession of sturgeon in inland waters as defined in Section 1.53, see Section 5.80 and Section 5.81.
- (h) Boat limits, as defined in Subsection 27.60(e) and Section 195, are not authorized for sturgeon fishing and shall not apply to the take, possession or retention of white sturgeon.

#### NOTE:

Authority cited: Sections 200, 202, 205, and 220, Fish and Game Code. Reference: Sections 200, 205 and 206, Fish and Game Code.

## §27.91. NEW - Green Sturgeon.

## Informative Digest/Policy Statement Overview - DFG

California's green sturgeon and white sturgeon support a popular sport fishery in the San Francisco Estuary and Sacramento-San Joaquin River System and a lesser fishery in the ocean. Green sturgeon and white sturgeon are prone to overfishing due to their life-histories and behavior. Their numbers are also subject to decline attributable to habitat loss and habitat degradation. White sturgeon (in particular) are subject to organized poaching and illegal commercialization of their highly-valuable eggs and flesh.

Current fishing regulations for these two sturgeon species provide a year-round fishery, a daily bag and possession limit of one fish, a size limit of 46 to 72 inches total length, and area and seasonal closures. These regulations do not differentiate between different life histories and population status, ignore the population-effects of varying production of young sturgeon, can not manage the boom-and-bust character of the fishery, and make it difficult to deter poaching and illegal commercialization.

The Department of Fish and Game (Department) is proposing regulations which will facilitate existing efforts to improve California's sturgeon populations and protect the sturgeon fishery by improved habitat, better fish passage, increased population and fishery monitoring, effective enforcement, and comprehensive coordination with the public.

The proposed regulations include a size limit for white sturgeon of 46 to 60 inches total length, no retention of green sturgeon, a daily bag limit of one white sturgeon, an annual bag limit three white sturgeon, no authorization of boat limits when sturgeon fishing in ocean waters, and an annual sturgeon report card with tags.

If the regulations proposed here are implemented and substantially enforced, the fundamental character of California's sturgeon fishery will be preserved while important additional fishery management, population management, and anti-poaching measures will be effected.

<u>Section 1.62, Title 14, CCR:</u> Section 1.62 addresses handling requirements for fish to be released due to size restrictions. However, Section 1.62 references only handling of fish that are less than the legal size.

The proposed amendment to Section 1.62 would extend the protections now afforded fish less than legal size to fish greater than legal size. Handling requirements afforded fish – particularly sturgeon – greater than legal size are basic conservation measures designed to minimize stress and mortality to captured fish that must be released.

<u>Sections 5.80 and 27.90, Title 14, CCR:</u> These sections limit retention of sturgeon for inland (Section 5.80) and ocean (Section 27.90) waters. The current sections do not differentiate between white sturgeon and green sturgeon.

The proposed amendment removes green sturgeon to their own section and includes measures to improve white sturgeon spawning potential, population resiliency, fishery data, and anti-poaching efforts:

- a white sturgeon size limit of 46 to 60 inches total length,
- a 3-fish-per-year white sturgeon bag limit,
- specific requirements for a Sturgeon Fishing Report Card, and
- a requirement to apply tags to retained white sturgeon.

The size limit would protect approximately 12 year-classes of sturgeon from harvest during a period when female sturgeon of this size and age have tremendous reproductive potential.

The 3-fish annual bag limit would allocate the sturgeon resource more-equitably and reduce the incentive for illegal commercialization of sturgeon.

The report card with tags would be necessary to enforce the annual bag limit and to collect much-needed information on catch of sturgeon by anglers. Because enforcement of the annual bag limit and collection of catch data are both very important, possession of the card and use of the tags would be required of children and other potentially non-licensed anglers (e.g., those participating fishing from piers). These potentially non-licensed anglers were recently estimated at about 16 % of all anglers in marine waters during 2004 and 2005.

Sturgeon Fishing Report Card Requirements

- Any person fishing for sturgeon shall have in their possession a nontransferable Sturgeon Fishing Report Card issued by the department
- This includes anglers who are under 16 years of age, anglers who are fishing from a public pier, and anglers
  who hold a lifetime fishing license. Anglers who are under 16 years of age may purchase a sturgeon fishing
  report card without purchasing a sport fishing license.
- A Sturgeon Fishing Report Card shall be valid for the calendar year as shown on the report card.
- No person may purchase more than one Sturgeon Fishing Report Card per year or possess any Sturgeon Fishing Report Card other than their own.
- Anglers must return their card by January 31 of the following year shown on the report card to the address specified on the Sturgeon Fishing Report Card.
- If the angler holds a sport fishing license, the report card number shall be entered in ink on the angler's sport fishing license, and the sport fishing license number shall be entered in ink on the report card on the appropriate line.
- Whenever the cardholder catches a sturgeon, whether the fish is retained or released, the cardholder shall use a ball point pen to immediately record on the Sturgeon Fishing Report Card all of the following information: month and day, catch location, and species of sturgeon. If a white sturgeon is retained, the total length of the fish must also be recorded on the report card immediately.

**Sturgeon Tagging Requirements** 

- A Sturgeon Fishing Report Card includes three tags that are to be used to tag any white sturgeon that is
  retained.
- After retaining a white sturgeon the date the fish is taken shall be immediately recorded on the tag with a ball point pen.
- The angler shall immediately attach the tag to the body of the white sturgeon, and leave the tag in place until the fish is processed, steaked, or filleted for consumption and stored at a residence or non-transient location.

<u>Sections 5.81 and 27.91, Title 14, CCR:</u> This action would create sections specific to green sturgeon for inland (Section 5.81) and ocean (Section 27.91) waters, eliminate retention of green sturgeon, and complement the proposals to amend sections 5.80 and 27.90 so that it addresses only limits to white sturgeon retention.

<u>Section 27.60, Title 14, CCR:</u> This section limits retention of sturgeon in ocean waters. With regards to sturgeon, it is simply a table that reiterates information in Section 27.90.

The proposed amendment would make contents of the table consistent with Section 27.90 and no authorization of boat limits while sturgeon fishing in ocean waters to align with proposed Section 195 changes. Furthermore, the amendment would complement the proposed establishment of Section 27.91 on green sturgeon retention.

<u>Section 27.95, Title 14, CCR:</u> This section limits take of sturgeon in an area of San Francisco Bay between January 1 and March 15. The proposed amendment is a slight wording change that would complement the proposed changes to sections 27.90 and 27.91.

<u>Section 195, Title 14, CCR:</u> This section contains the regulations for boat limits in ocean waters. The proposed amendment has no authorization of boat limits while sturgeon fishing in ocean waters to ensure accurate data is collected from the report cards.

<u>Section 701, Title 14, CCR:</u> This section contains regulatory form numbers that are incorporated by reference and their fees which are adjusted annually pursuant to the provisions of Section 699, Title 14, CCR.

The proposed amendment provides the annual fee updates for the Declaration for Multi-Day Fishing Trip, Permit Authorizing Transit of a Recreational Fishing Vessel Through Areas Closed to Fishing (Annual and 30 days or less) forms, adds 2007 Salmon Punch Card and 2007 Steelhead Fishing Report and Restoration Card form numbers and fees to this section, reflects the required changes made to sections 5.80 and 27.90 for the Sturgeon Fishing Report Card.

The Sturgeon Fishing Report Card fee will range from \$0 to \$7.50, which are the minimum and maximum permit prices that the Department can charge without legislation. The final fee will be determined from report card printing and administration costs, final funding source, the projected anglers and a 5% license agent handling fee calculated pursuant to Fish and Game Code 1055(b).

Minor changes were made to improve the clarity of the regulations.

#### **Regulatory Language**

Section 27.91, Title 14, CCR, is added as follows:

# 27.91. Green Sturgeon.

(a) Green sturgeon may not be taken or possessed.

(b) Green sturgeon taken and released incidentally to white sturgeon fishing shall be reported on a Sturgeon Fishing Report Card issued by the department, in accordance with procedures defined in Subsection 27.90(e), Title 14, CCR. The form number and fee for a Sturgeon Fishing Report Card are specified in Section 701.

#### NOTE:

Authority cited: Sections 200, 202, 205, and 220, Fish and Game Code. Reference: Sections 200, 205 and 206, Fish and Game Code.

## §27.95. Sturgeon Closure.

#### Informative Digest/Policy Statement Overview - DFG

California's green sturgeon and white sturgeon support a popular sport fishery in the San Francisco Estuary and Sacramento-San Joaquin River System and a lesser fishery in the ocean. Green sturgeon and white sturgeon are prone to overfishing due to their life-histories and behavior. Their numbers are also subject to decline attributable to habitat loss and habitat degradation. White sturgeon (in particular) are subject to organized poaching and illegal commercialization of their highly-valuable eggs and flesh.

Current fishing regulations for these two sturgeon species provide a year-round fishery, a daily bag and possession limit of one fish, a size limit of 46 to 72 inches total length, and area and seasonal closures. These

regulations do not differentiate between different life histories and population status, ignore the populationeffects of varying production of young sturgeon, can not manage the boom-and-bust character of the fishery, and make it difficult to deter poaching and illegal commercialization.

The Department of Fish and Game (Department) is proposing regulations which will facilitate existing efforts to improve California's sturgeon populations and protect the sturgeon fishery by improved habitat, better fish passage, increased population and fishery monitoring, effective enforcement, and comprehensive coordination with the public.

The proposed regulations include a size limit for white sturgeon of 46 to 60 inches total length, no retention of green sturgeon, a daily bag limit of one white sturgeon, an annual bag limit three white sturgeon, no authorization of boat limits when sturgeon fishing in ocean waters, and an annual sturgeon report card with tags.

If the regulations proposed here are implemented and substantially enforced, the fundamental character of California's sturgeon fishery will be preserved while important additional fishery management, population management, and anti-poaching measures will be effected.

<u>Section 1.62, Title 14, CCR:</u> Section 1.62 addresses handling requirements for fish to be released due to size restrictions. However, Section 1.62 references only handling of fish that are less than the legal size.

The proposed amendment to Section 1.62 would extend the protections now afforded fish less than legal size to fish greater than legal size. Handling requirements afforded fish – particularly sturgeon – greater than legal size are basic conservation measures designed to minimize stress and mortality to captured fish that must be released.

<u>Sections 5.80 and 27.90, Title 14, CCR:</u> These sections limit retention of sturgeon for inland (Section 5.80) and ocean (Section 27.90) waters. The current sections do not differentiate between white sturgeon and green sturgeon.

The proposed amendment removes green sturgeon to their own section and includes measures to improve white sturgeon spawning potential, population resiliency, fishery data, and anti-poaching efforts:

- a white sturgeon size limit of 46 to 60 inches total length,
- a 3-fish-per-year white sturgeon bag limit,
- · specific requirements for a Sturgeon Fishing Report Card, and
- a requirement to apply tags to retained white sturgeon.

The size limit would protect approximately 12 year-classes of sturgeon from harvest during a period when female sturgeon of this size and age have tremendous reproductive potential.

The 3-fish annual bag limit would allocate the sturgeon resource more-equitably and reduce the incentive for illegal commercialization of sturgeon.

The report card with tags would be necessary to enforce the annual bag limit and to collect much-needed information on catch of sturgeon by anglers. Because enforcement of the annual bag limit and collection of catch data are both very important, possession of the card and use of the tags would be required of children and other potentially non-licensed anglers (e.g., those participating fishing from piers). These potentially non-licensed anglers were recently estimated at about 16 % of all anglers in marine waters during 2004 and 2005.

Sturgeon Fishing Report Card Requirements

- Any person fishing for sturgeon shall have in their possession a nontransferable Sturgeon Fishing Report Card issued by the department
- This includes anglers who are under 16 years of age, anglers who are fishing from a public pier, and anglers
  who hold a lifetime fishing license. Anglers who are under 16 years of age may purchase a sturgeon fishing
  report card without purchasing a sport fishing license.
- A Sturgeon Fishing Report Card shall be valid for the calendar year as shown on the report card.
- No person may purchase more than one Sturgeon Fishing Report Card per year or possess any Sturgeon Fishing Report Card other than their own.
- Anglers must return their card by January 31 of the following year shown on the report card to the address specified on the Sturgeon Fishing Report Card.

- If the angler holds a sport fishing license, the report card number shall be entered in ink on the angler's sport fishing license, and the sport fishing license number shall be entered in ink on the report card on the appropriate line.
- Whenever the cardholder catches a sturgeon, whether the fish is retained or released, the cardholder shall use
  a ball point pen to immediately record on the Sturgeon Fishing Report Card all of the following information:
  month and day, catch location, and species of sturgeon. If a white sturgeon is retained, the total length of the
  fish must also be recorded on the report card immediately.

**Sturgeon Tagging Requirements** 

- A Sturgeon Fishing Report Card includes three tags that are to be used to tag any white sturgeon that is retained.
- After retaining a white sturgeon the date the fish is taken shall be immediately recorded on the tag with a ball point pen.
- The angler shall immediately attach the tag to the body of the white sturgeon, and leave the tag in place until the fish is processed, steaked, or filleted for consumption and stored at a residence or non-transient location.

<u>Sections 5.81 and 27.91, Title 14, CCR:</u> This action would create sections specific to green sturgeon for inland (Section 5.81) and ocean (Section 27.91) waters, eliminate retention of green sturgeon, and complement the proposals to amend sections 5.80 and 27.90 so that it addresses only limits to white sturgeon retention.

<u>Section 27.60, Title 14, CCR:</u> This section limits retention of sturgeon in ocean waters. With regards to sturgeon, it is simply a table that reiterates information in Section 27.90.

The proposed amendment would make contents of the table consistent with Section 27.90 and no authorization of boat limits while sturgeon fishing in ocean waters to align with proposed Section 195 changes. Furthermore, the amendment would complement the proposed establishment of Section 27.91 on green sturgeon retention.

<u>Section 27.95, Title 14, CCR:</u> This section limits take of sturgeon in an area of San Francisco Bay between January 1 and March 15. The proposed amendment is a slight wording change that would complement the proposed changes to sections 27.90 and 27.91.

<u>Section 195, Title 14, CCR:</u> This section contains the regulations for boat limits in ocean waters. The proposed amendment has no authorization of boat limits while sturgeon fishing in ocean waters to ensure accurate data is collected from the report cards.

<u>Section 701, Title 14, CCR:</u> This section contains regulatory form numbers that are incorporated by reference and their fees which are adjusted annually pursuant to the provisions of Section 699, Title 14, CCR.

The proposed amendment provides the annual fee updates for the Declaration for Multi-Day Fishing Trip, Permit Authorizing Transit of a Recreational Fishing Vessel Through Areas Closed to Fishing (Annual and 30 days or less) forms, adds 2007 Salmon Punch Card and 2007 Steelhead Fishing Report and Restoration Card form numbers and fees to this section, reflects the required changes made to sections 5.80 and 27.90 for the Sturgeon Fishing Report Card.

The Sturgeon Fishing Report Card fee will range from \$0 to \$7.50, which are the minimum and maximum permit prices that the Department can charge without legislation. The final fee will be determined from report card printing and administration costs, final funding source, the projected anglers and a 5% license agent handling fee calculated pursuant to Fish and Game Code 1055(b).

Minor changes were made to improve the clarity of the regulations.

#### **Regulatory Language**

Section 27.95, Title 14, CCR, is amended as follows:

#### 27.95. Sturgeon Closure.

<u>Green sturgeon and white sturgeon</u> may not be taken in the following described area between January 1 and March 15: That portion of San Francisco Bay included within the following boundaries: A direct line between Pt. Chauncy (National Marine Fisheries Laboratory) and Pt. Richmond, the San Francisco-Oakland Bay Bridge and a direct line between Pt. Lobos and Pt. Bonita.

#### NOTE:

Authority cited: Sections 200, 202, 205, 210, 219, and 220, Fish and Game Code. Reference: Sections 200-202, 203.1, 205-210 and 215-222, Fish and Game Code.

<b>§28.00.</b>	Grunion, California. (No Change)
<b>§28.05.</b>	Garibaldi. (No Change)
§28.06.	White Shark. (No Change)
§28.10.	Giant (Black) Sea Bass. (No Change)
§28.12.	Gulf Grouper and Broomtail Grouper. (No Change)
§28.15.	Halibut, California. (No Change)
§28.20.	Halibut, Pacific.

#### Informative Digest/Policy Statement Overview - DFG

Regulations of Section 28.20, Title 14, CCR, specify a season, bag limit, and a 32-inch minimum size limit for Pacific halibut for California's recreational fishery. The Department proposes the Fish and Game Commission amend these regulations to make them consistent with new federal regulations established by the International Pacific Halibut Commission (IPHC) that became effective for federal waters off California (beyond three miles) in March of 2006.

The proposed change would extend the open sportfishing season for Pacific halibut one month, so that fishing would be permitted from May 1 through October 31 each year. Additionally, the IPHC has eliminated the minimum size limit in federal waters off California. This was done because the original intent of the size limit was to slow catch rates, and under present biomass levels and management strategies, there is not a need to slow catch rates in the recreational fishery off California.

Pacific halibut are primarily targeted off Alaska, Washington and Oregon, where they are more abundant, and northern California is the southernmost portion of their range. In California, Pacific halibut are a species that are generally taken incidental to other fisheries, and occur only rarely in sport catches. Between 1980 and 2005, only 21 Pacific halibut were observed statewide by creel census samplers who work year-round surveying sport-caught fish at all major marine recreational fishing sites in California. Moreover, during the same time period, anglers only reported catching 13 Pacific halibut that were released.

The Department is aware of only a few small charter businesses that target Pacific halibut in the Fort Bragg and Crescent City areas. However, extension of the open season and elimination of the minimum size limit might allow for minor increases in fishing opportunity for this species in northern California.

Minor changes are proposed to improve the clarity of the regulations.

#### Regulatory Language

#### Section 28.20, Title 14, CCR is amended to read:

## Section 28.20. Halibut, Pacific.

(a) Season: Pacific halibut may be taken only from May 1 through September 30. October 31.

- (b) Limit: One.
- (c) Minimum size: Thirty-two inches total length. None.

NOTE:

Note: Authority cited: Sections 200, 202, and 205, Fish and Game Code. Reference: Sections 200, 202, 205, 206, 209, 210, 215, 218, and 220, Fish and Game Code.

- §28.25. Barracuda, California. (No Change)
- §28.26. California Sheephead (No Change)
- §28.27. Lingcod. (No Change)
- §28.28. Cabezon. (No Change)
- §28.29. Kelp Greenling. Rock Greenling. (No Change)
- §28.30. Kelp Bass, Barred Sand Bass and Spotted Sand Bass. (No Change)
- §28.32. Pacific Bonito. (No Change)
- §28.35. White Seabass. (No Change)
- §28.37. Yellowtail. (No Change)
- §28.40. Broadbill Swordfish. (No Change)
- §28.45. Surf Smelt (Night Smelt, Day Fish, Whitebait Smelt). (No Change)
- §28.50. Marlin. (No Change)
- §28.54. California Scorpionfish (Sculpin). (No Change)
- §28.55. Rockfish (Sebastes). (No Change)
- §28.56. Leopard Shark. (No Change)
- §28.58. Ocean Whitefish (No Change)
- §28.59. Surfperch (No Change)
- §28.60. Herring Eggs. (No Change)
- §28.65. General. (No Change)
- §28.70. Weight, Power Driven Gurdies or Power Driven Winches. (No Change)
- §28.75. Baited Traps for Shiner Surfperch, Pacific Staghorn Sculpin and Longjaw Mudsuckers. (No Change)
- §28.80. Dip Nets and Hawaiian Type Throw Nets. (No Change)
- §28.85. Beach Nets. (No Change)
- §28.90. Diving, Spearfishing. (No Change)
- §28.91. Slurp Guns. (No Change)
- §28.95. Spears, Harpoons and Bow and Arrow Fishing Tackle. (No Change)

<b>§29.00</b> .	Gear Used in Taking Grunion. (No Change)
§29.05.	General. (No Change)
§29.10.	General. (No Change)
§29.15.	Abalone. (No Change)
§29.20.	Clams General. (No Change)
§29.25.	Gaper Clams Horse Clams and Horseneck Clams) and Washington Clams. (No Change)
§29.30.	Geoduck Clams. (No Change)
§29.35.	Littleneck Clams, Soft-Shell Clams, Chiones, Northern Quahogs, and Cockles. (No Change)
§29.40.	Pismo Clams. (No Change)
§29.45.	Razor Clams. (No Change)
§29.55.	Mussels. (No Change)
<b>§29.60.</b>	Rock Scallops. (No Change)
§29.65.	Speckled (Bay) Scallops. (No Change)
§29.70.	Squid.

## Informative Digest/Policy Statement Overview - DFG

While they have been a focus of sport and commercial fisheries off northern Mexico for many years, in California, jumbo squid (Dosidicus gigas) primarily have been taken only incidental to other recreational fisheries. However, in the past few years, jumbo squid appear to be increasingly prevalent off California, and accordingly have become a growing target for the State's recreational anglers. They can span up to six feet in length and weigh over 100 pounds, and are taken offshore by both private boats as well as the Commercial Passenger Fishing Vessel (CPFV) fleet.

As a result of increased fishing activity directed toward this resource, anglers have sought clarification from Department wardens and biological staff as to the bag limit on jumbo squid. Section 29.70 specifies that there is no recreational limit on "squid". Meanwhile, Section 29.05 specifies a "general invertebrate" limit of 35, which applies for any invertebrate species where a bag limit is not otherwise specified.

When one refers to "squid" in California waters, the term is commonly understood to mean the market squid, *Loligo opalescens*, which is readily abundant and is often used as bait for other game species in California waters. It is also the target of one of California's largest commercial fisheries.

Because no bag limit is specified for jumbo squid, anglers have sought clarification whether Section 29.70 applies to the take of jumbo squid, or if the general invertebrate limit of 35 is the regulation that governs. To clarify this situation, the Department proposes that the regulatory text of Section 29.70 be amended to specify that there is no limit on either jumbo squid or market squid.

## **Regulatory Language**

#### Section 29.70, Title 14, CCR is amended to read:

## Section 29.70. Squid Market Squid, Jumbo Squid.

Squid may be taken with hand-held dip nets. There is no limit.

NOTE: Authority: Sections 200, 202, and 205, Fish and Game Code. Reference: Sections 200, 202, 205, 206, 209, 210, 215, 218, and 220, Fish and Game Code.

- §29.71. Moon Snails. (No Change)
- §29.80. Gear Restrictions.

## **Informative Digest/Policy Statement Overview - PUBLIC**

Section 29.80, Title 14, CCR, specifies gear restrictions that apply for the recreational take of crustaceans, which may be caught by hand or with traps. In recent months, several Dungeness crab trap anglers have requested additional regulatory language be added to this Section that would prohibit unauthorized persons from taking crabs out of a recreational trap belonging to someone else.

Presently, general Penal Code provisions prevent theft of personal property, but because crabs that are enclosed in a trap have yet to be "possessed" by the trap owner, the crabs themselves are not the trapper's personal property. Therefore, there is no effective anti-theft enforcement mechanism at this time to prevent a recreational fisherman from "robbing" another sport trap.

The proposed language would make it unlawful to disturb, move, damage, or remove any saltwater crustacean from a trap that belongs to another person without written permission from the owner of the trap in his or her possession. By adding this provision to Section 29.80, it would apply for all crustacean traps, and therefore would be effective for sport prawn traps and hoop nets used for lobster, in addition to crab traps. The new regulations are intended to aid enforcement so that violators may be easily cited if caught pulling a trap that is not their own without written permission from the owner in his or her possession. They should also improve clarity and understanding for the public regarding this issue.

However, an enforcement officer must be able to establish who owns the trap in order to determine if a violation has occurred. Therefore, for a trap owner to benefit from enforcement of the proposed new regulation, he or she will need to label the trap and/or the trap buoy for identification purposes. If the trap's owner cannot readily be identified during patrol activities, the provision will have little force or effect.

#### **Regulatory Language**

#### Section 29.80, Title 14, CCR, is amended to read:

#### §29.80. Gear Restrictions.

- (a) General: Saltwater crustaceans may be taken by hand. Nets, traps or other appliances may not be used except as provided in this section.
- (a) General Provisions:
- (1) Saltwater crustaceans may be taken by hand.
- (2) Nets, traps or other appliances may not be used except as provided in this Section.
- (3) It is unlawful to disturb, move, damage, or remove any saltwater crustacean from a trap that belongs to another person without written permission in possession from the owner of the trap.
- (b) Baited hoop nets may be used to take spiny lobsters and all species of crabs. Between Point Arguello, Santa Barbara County, and the United States-Mexico border, not more than five baited hoop nets may be fished by a person to take spiny lobster and crab, not to exceed a total of 10 baited hoop nets fished from any vessel.
- (c) Crab traps shall have at least two rigid circular openings of not less than four and one-quarter inches inside diameter so constructed that the lowest portion of each opening is no lower than five inches from the top of the trap.
- (d) Crab loop traps may have up to six loops.
- (e) Crab trap areas: Crab traps, including crab loop traps, may be used north of Point Arguello to take all species of crabs (see regulations for take of Dungeness crabs in traps from commercial passenger fishing vessels in Section 29.85, Title 14, CCR).
- (f) Shrimp and prawn traps may be used to take shrimp and prawns only. Trap openings may not exceed 1/2 inch in any dimension on traps used south of Point Conception nor five inches in any dimension on traps used north of Point Conception.
- (g) Diving for crustaceans: In all ocean waters, except as provided in Section 29.05, skin and SCUBA divers may take crustaceans by the use of the hands except divers may not possess any hooked device while diving or attempting to dive.

- (h) Hand operated appliances: Spades, shovels, hoes, rakes or other appliances operated by hand may be used to take sand crabs and shrimp.
- (i) Dip nets and Hawaiian type throw nets: Shrimp may be taken with dip nets and Hawaiian type throw nets north of Point Conception.
- (j) Shrimp trawls: Shrimp beam trawls may be used to take shrimp only in San Francisco Bay waters east of the Golden Gate Bridge, and in San Pablo Bay. The beam trawl frame from which the net is hung may not exceed 24 inches by 18 inches. The trawl may be towed by motorized vessels but may not be retrieved by mechanical devices. Any fish, other than shrimp, caught in the trawl must be returned immediately to the water.

NOTE:

Authority cited: Sections 200, 202, and 205, Fish and Game Code.

Reference: Sections 200, 202, 205, 206, 209, 210, 215, 218, and 220, Fish and Game Code.

## Informative Digest/Policy Statement Overview - DFG

Existing regulations of Section 29.80, Title 14, CCR, govern the recreational take of crustaceans while skin diving or while using SCUBA gear. Subsection (a) provides a general allowance that crustaceans may be taken by hand, while subsection (g) states that "skin and SCUBA divers may take crustaceans by the use of the hands except divers may not possess any hooked device while diving or attempting to dive." The Department proposes to clarify this language to reduce confusion and improve enforcement of the regulations in this Section.

The intent of the prohibition on hooking devices is to ensure that divers do not use gaffs to reach into crevices in order to remove lobsters or crabs in areas out of reach. However, while divers may not possess hooked devices, the regulation fails to clearly state that skin and SCUBA divers may take crustaceans only by hand. The use of objects such as sticks, spears, or mops is known to improve efficiency and productivity for crustaceans while diving, thereby increasing catch rates.

The Department proposes that the Commission amend subsection (g) of Section 29.80, to make clear that skin and SCUBA divers may take crustaceans by hand only. The change will improve the ability to enforce the requirement that divers take crustaceans by hand, and will also improve clarity and reduce confusion for the public.

Minor changes may be proposed to improve the clarity of the regulations.

## **Regulatory Language**

#### Section 29.80, Title 14, CCR, is amended to read:

## §29.80. Gear Restrictions.

- (a) General: Saltwater crustaceans may be taken by hand. Nets, traps or other appliances may not be used except as provided in this section.
- (b) Baited hoop nets may be used to take spiny lobsters and all species of crabs. Between Point Arguello, Santa Barbara County, and the United States-Mexico border, not more than five baited hoop nets may be fished by a person to take spiny lobster and crab, not to exceed a total of 10 baited hoop nets fished from any vessel.
- (c) Crab traps shall have at least two rigid circular openings of not less than four and one-quarter inches inside diameter so constructed that the lowest portion of each opening is no lower than five inches from the top of the trap.
- (d) Crab loop traps may have up to six loops.
- (e) Crab trap areas: Crab traps, including crab loop traps, may be used north of Point Arguello to take all species of crabs (see regulations for take of Dungeness crabs in traps from commercial passenger fishing vessels in Section 29.85, Title 14, CCR).
- (f) Shrimp and prawn traps may be used to take shrimp and prawns only. Trap openings may not exceed 1/2 inch in any dimension on traps used south of Point Conception nor five inches in any dimension on traps used north of Point Conception.
- (g) Diving for crustaceans: In all ocean waters, except as provided in Section 29.05, skin and SCUBA divers may take crustaceans by the use of the hands <u>only.</u> except divers <u>Divers</u> may not possess any hooked device while diving or attempting to dive.
- (h) Hand operated appliances: Spades, shovels, hoes, rakes or other appliances operated by hand may be used to take sand crabs and shrimp.

- (i) Dip nets and Hawaiian type throw nets: Shrimp may be taken with dip nets and Hawaiian type throw nets north of Point Conception.
- (j) Shrimp trawls: Shrimp beam trawls may be used to take shrimp only in San Francisco Bay waters east of the Golden Gate Bridge, and in San Pablo Bay. The beam trawl frame from which the net is hung may not exceed 24 inches by 18 inches. The trawl may be towed by motorized vessels but may not be retrieved by mechanical devices. Any fish, other than shrimp, caught in the trawl must be returned immediately to the water.

NOTE: Authority cited: Sections 200, 202, and 205, Fish and Game Code.

Reference: Sections 200, 202, 205, 206, 209, 210, 215, 218, and 220, Fish and Game Code.

#### §29.85. Crabs.

#### Informative Digest/Policy Statement Overview - PUBLIC

Section 29.85, Title 14, CCR, specifies the opening and closing dates for the recreational Dungeness crab season. In Del Norte, Humboldt and Mendocino counties, the fishery is open from the Saturday preceding December 1, or December 1 when it falls on Saturday, through July 30. In all other counties, the season is open from the Saturday preceding the second Tuesday in November, through June 30.

The Department proposes the Commission slightly modify the language of these opening dates to improve clarity and understanding for the public. The proposed regulations would read so that in Del Norte, Humboldt and Mendocino counties, the fishery would be open from the last Saturday in November through July 30, and that in all other counties, the fishery would be open from the first Saturday in November through June 30. The simplified regulatory text should make it easier for most anglers to determine the opening date quickly, and possibly without needing to consult a calendar.

In comparing each year's opening date under the proposed regulatory language with the opening date that results under the current regulatory text, the actual opening date will be the same in most years, and thus, the proposed regulation change is expected to have no real effect on the water. The "head start" that the sport fishery is provided in advance of the commercial opener will continue for all areas of the state, and for about the same number of days.

## **Regulatory Language**

# Section 29.85, Title 14, CCR, is amended to read:

#### §29.85. Crabs.

- (a) Dungeness crabs (Cancer magister):
- (1) Closure: Dungeness crab may not be taken or possessed in San Francisco Bay and San Pablo Bay, plus all their tidal bays, sloughs and estuaries between the Golden Gate Bridge and Carquinez Bridge.
- (2) Open season:
- (A) Del Norte, Humboldt and Mendocino counties: From the Saturday preceding December 1 or December 1 when it falls on Saturday last Saturday in November through July 30.
- (B) All other counties: From the first Saturday preceding the second Tuesday in November through June 30.
- (3) Limit: Ten, except in Sonoma, Marin, San Francisco, San Mateo, Santa Cruz, and Monterey counties, when fishing aboard a commercial passenger fishing vessel required to be licensed pursuant to Section 7881 and/or Section 7920, Fish and Game Code, the limit is six.
- (4) Not more than 60 crab traps are authorized to be used to take Dungeness crab from a vessel operating under authority of a Commercial Passenger Fishing Vessel License issued pursuant to Fish and Game Code Section 7920.
- (5) Traps and trap buoys by a commercial passenger fishing vessel to take Dungeness crab under authority of this Section and Section 29.80 shall have the commercial boat registration number of that vessel affixed to each trap and buoy.
- (6) No vessel that takes Dungeness crabs under authority of this section, or Section 29.80, shall be used to take Dungeness crabs for commercial purposes.
- (7) Minimum size: Five and three-quarter inches measured by the shortest distance through the body from edge of shell to edge of shell directly in front of and excluding the points (lateral spines); except in Sonoma, Marin, San Francisco, San Mateo, Santa Cruz, and Monterey counties, when fishing aboard a commercial passenger fishing vessel required to be licensed pursuant to Section 7881 and/or Section 7920, Fish and

Game Code, the minimum size is six inches measured by the shortest distance through the body from edge of shell to edge of shell directly in front of and excluding the points (lateral spines).

- (b) All crabs of the Cancer genus except Dungeness crabs, but including: yellow crabs, rock crabs, red crabs and slender crabs:
- (1) Open season: All year.
- (2) Limit: Thirty-five.
- (3) Minimum size: Four inches measured by the shortest distance through the body, from edge of shell to edge of shell at the widest part, except there is no minimum size in Fish and Game districts 8 and 9.
- (c) All crabs of the genus Cancer, including Dungeness crabs, yellow crabs, rock crabs, red crabs and slender crabs, may be brought to the surface of the water for measuring, but no undersize crabs may be placed in any type of receiver, kept on the person or retained in any person's possession or under his direct control; all crabs shall be measured immediately and any undersize crabs shall be released immediately into the water.

(d) Sand crabs (*Emerita analoga*): Limit: Fifty.

NOTE:

Authority cited: Sections 200, 202, 205 and 220, Fish and Game Code. Reference: Sections 200, 202, 204, 205, 206 and 220, Fish and Game Code.

§29.86.	Bay Shrimp	(Grass Shrimp).	(No Change)
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- §29.87. Ghost Shrimp and Blue Mud Shrimp. (No Change)
- §29.88. Coonstripe Shrimp (*Pandalus danaa*). (No Change)
- §29.90. Spiny Lobsters. (No Change)
- §30.00. Kelp General. (No Change)
- §30.10. Prohibited Species. (No Change)
- §40. General Provisions Relating to Native Reptiles and Amphibians. (No Change)
- §41. Protected Amphibians (No Change)
- §41.7. Commercial Take and Use of Frogs for Human Consumption. (No Change)
- §43. Captive Propagation and Commercialization of Native Reptiles and Amphibians. (No Change)
- §195. Report of Fish Taken To Be Made by Owner of Barge or Vessel for Hire, and Accommodation for and Cooperation with State and Federal Observers.

#### Informative Digest/Policy Statement Overview - DFG

California's green sturgeon and white sturgeon support a popular sport fishery in the San Francisco Estuary and Sacramento-San Joaquin River System and a lesser fishery in the ocean. Green sturgeon and white sturgeon are prone to overfishing due to their life-histories and behavior. Their numbers are also subject to decline attributable to habitat loss and habitat degradation. White sturgeon (in particular) are subject to organized poaching and illegal commercialization of their highly-valuable eggs and flesh.

Current fishing regulations for these two sturgeon species provide a year-round fishery, a daily bag and possession limit of one fish, a size limit of 46 to 72 inches total length, and area and seasonal closures. These regulations do not differentiate between different life histories and population status, ignore the population-effects of varying production of young sturgeon, can not manage the boom-and-bust character of the fishery, and make it difficult to deter poaching and illegal commercialization.

The Department of Fish and Game (Department) is proposing regulations which will facilitate existing efforts to improve California's sturgeon populations and protect the sturgeon fishery by improved habitat, better fish passage, increased population and fishery monitoring, effective enforcement, and comprehensive coordination with the public.

The proposed regulations include a size limit for white sturgeon of 46 to 60 inches total length, no retention of green sturgeon, a daily bag limit of one white sturgeon, an annual bag limit three white sturgeon, no authorization of boat limits when sturgeon fishing in ocean waters, and an annual sturgeon report card with tags.

If the regulations proposed here are implemented and substantially enforced, the fundamental character of California's sturgeon fishery will be preserved while important additional fishery management, population management, and anti-poaching measures will be effected.

<u>Section 1.62, Title 14, CCR:</u> Section 1.62 addresses handling requirements for fish to be released due to size restrictions. However, Section 1.62 references only handling of fish that are less than the legal size.

The proposed amendment to Section 1.62 would extend the protections now afforded fish less than legal size to fish greater than legal size. Handling requirements afforded fish – particularly sturgeon – greater than legal size are basic conservation measures designed to minimize stress and mortality to captured fish that must be released.

<u>Sections 5.80 and 27.90, Title 14, CCR:</u> These sections limit retention of sturgeon for inland (Section 5.80) and ocean (Section 27.90) waters. The current sections do not differentiate between white sturgeon and green sturgeon.

The proposed amendment removes green sturgeon to their own section and includes measures to improve white sturgeon spawning potential, population resiliency, fishery data, and anti-poaching efforts:

- a white sturgeon size limit of 46 to 60 inches total length,
- a 3-fish-per-year white sturgeon bag limit,
- specific requirements for a Sturgeon Fishing Report Card, and
- a requirement to apply tags to retained white sturgeon.

The size limit would protect approximately 12 year-classes of sturgeon from harvest during a period when female sturgeon of this size and age have tremendous reproductive potential.

The 3-fish annual bag limit would allocate the sturgeon resource more-equitably and reduce the incentive for illegal commercialization of sturgeon.

The report card with tags would be necessary to enforce the annual bag limit and to collect much-needed information on catch of sturgeon by anglers. Because enforcement of the annual bag limit and collection of catch data are both very important, possession of the card and use of the tags would be required of children and other potentially non-licensed anglers (e.g., those participating fishing from piers). These potentially non-licensed anglers were recently estimated at about 16 % of all anglers in marine waters during 2004 and 2005.

Sturgeon Fishing Report Card Requirements

- Any person fishing for sturgeon shall have in their possession a nontransferable Sturgeon Fishing Report Card issued by the department
- This includes anglers who are under 16 years of age, anglers who are fishing from a public pier, and anglers who hold a lifetime fishing license. Anglers who are under 16 years of age may purchase a sturgeon fishing report card without purchasing a sport fishing license.
- A Sturgeon Fishing Report Card shall be valid for the calendar year as shown on the report card.
- No person may purchase more than one Sturgeon Fishing Report Card per year or possess any Sturgeon Fishing Report Card other than their own.
- Anglers must return their card by January 31 of the following year shown on the report card to the address specified on the Sturgeon Fishing Report Card.
- If the angler holds a sport fishing license, the report card number shall be entered in ink on the angler's sport fishing license, and the sport fishing license number shall be entered in ink on the report card on the appropriate line.
- Whenever the cardholder catches a sturgeon, whether the fish is retained or released, the cardholder shall use a ball point pen to immediately record on the Sturgeon Fishing Report Card all of the following information: month and day, catch location, and species of sturgeon. If a white sturgeon is retained, the total length of the fish must also be recorded on the report card immediately.

Sturgeon Tagging Requirements

- A Sturgeon Fishing Report Card includes three tags that are to be used to tag any white sturgeon that is retained.
- After retaining a white sturgeon the date the fish is taken shall be immediately recorded on the tag with a ball point pen.
- The angler shall immediately attach the tag to the body of the white sturgeon, and leave the tag in place until the fish is processed, steaked, or filleted for consumption and stored at a residence or non-transient location.

<u>Sections 5.81 and 27.91, Title 14, CCR:</u> This action would create sections specific to green sturgeon for inland (Section 5.81) and ocean (Section 27.91) waters, eliminate retention of green sturgeon, and complement the proposals to amend sections 5.80 and 27.90 so that it addresses only limits to white sturgeon retention.

<u>Section 27.60, Title 14, CCR:</u> This section limits retention of sturgeon in ocean waters. With regards to sturgeon, it is simply a table that reiterates information in Section 27.90.

The proposed amendment would make contents of the table consistent with Section 27.90 and no authorization of boat limits while sturgeon fishing in ocean waters to align with proposed Section 195 changes. Furthermore, the amendment would complement the proposed establishment of Section 27.91 on green sturgeon retention.

<u>Section 27.95, Title 14, CCR:</u> This section limits take of sturgeon in an area of San Francisco Bay between January 1 and March 15. The proposed amendment is a slight wording change that would complement the proposed changes to sections 27.90 and 27.91.

<u>Section 195, Title 14, CCR:</u> This section contains the regulations for boat limits in ocean waters. The proposed amendment has no authorization of boat limits while sturgeon fishing in ocean waters to ensure accurate data is collected from the report cards.

<u>Section 701, Title 14, CCR:</u> This section contains regulatory form numbers that are incorporated by reference and their fees which are adjusted annually pursuant to the provisions of Section 699, Title 14, CCR.

The proposed amendment provides the annual fee updates for the Declaration for Multi-Day Fishing Trip, Permit Authorizing Transit of a Recreational Fishing Vessel Through Areas Closed to Fishing (Annual and 30 days or less) forms, adds 2007 Salmon Punch Card and 2007 Steelhead Fishing Report and Restoration Card form numbers and fees to this section, reflects the required changes made to sections 5.80 and 27.90 for the Sturgeon Fishing Report Card.

The Sturgeon Fishing Report Card fee will range from \$0 to \$7.50, which are the minimum and maximum permit prices that the Department can charge without legislation. The final fee will be determined from report card printing and administration costs, final funding source, the projected anglers and a 5% license agent handling fee calculated pursuant to Fish and Game Code 1055(b).

Minor changes were made to improve the clarity of the regulations.

#### **Regulatory Language**

#### Section 195, Title 14, CCR, is amended as follows:

195. Report of Fish Taken To Be Made by Owner of Barge or Vessel for Hire, and Boat Limits.

(a) Records required by Sections 7923 and 8026 of the Fish and Game Code shall be made on a form provided by the department (Skipper's Log Book-Marine Sportfishing - Southern California F&G 656 and Skipper's Log Book-Marine Sportfishing Central and Northern California F&G 623, DFG 195, which is incorporated by reference, and hereafter referred to as logbook for purposes of this section). The logbook shall include the following information and be completed and available for inspection as specified in this section:

(1) A full and correct record of fish taken, including species or specified species group filled-out before the trip is completed, (see Section 190(b) of Title 14, CCR). The names used for designating the species of fish shall be those in common usage unless otherwise designated by the department.

- (2) The owner/operator copy of the logbook shall be maintained and kept on the vessel for a period of one year, and upon request, shall be made available for inspection by any authorized representative of the Department.
- (3) The numbered logbook shall be completed sequentially. A voided log shall have the word "Void" plainly and noticeably written on the face of the log.
- (b) The owner(s) and/or operator(s) of each vessel required to obtain a license under Section 7920 of the Fish and Game Code shall post a notice in a prominent place on the vessel giving information to fishermen on license requirements, bag limits, and other pertinent information. This notice shall be furnished by the department.
- (c) Both the vessel owner(s) and/or operator(s) shall be responsible for keeping accurate records and insuring the vessel is in compliance with subsections (a) and (b) above.
- (d) All fishing activity records are confidential pursuant to Fish and Game Code Sections 7923 and 8022 and Government Code Sections 6276 and 6276.10.
- (e) Boat Limits: When two or more persons licensed or otherwise authorized to sport fish in ocean waters off California or in the San Francisco Bay District, as defined in Section 27.00, are angling for finfish in these waters aboard a vessel licensed under Section 7920, fishing by these persons (to include vessel operator(s) and crew members where licensed to sportfish under their own individual limits) may continue until the passenger's boat limits of those finfish identified in Sections 27.60 (a) through (c) are taken and possessed aboard the vessel as authorized under this section.
- (1) For purposes of this section, the vessel operator(s) and crew members are not passengers and may not take fish towards obtaining boat limits for passengers except for casting, setting trolling gear, gaffing or netting fish, but may take fish during a fishing trip for their personal use only. Vessel operator(s) and crew members may assist passengers in other activities including, but not limited to, obtaining bait, chumming, baiting and untangling hooks and lines, identifying, dispatching, filleting, counting, bagging and otherwise handling fish taken by passengers. Upon completion of a fishing trip, the vessel operator(s) and crew members may only possess fish that are part of the own personal bag limit not to exceed authorized sportfishing daily bag and possession limits.
- (2) Fish taken by operator(s) and crew members for personal use pursuant to (e)(1) above must be separated from fish taken under a boat limit and labeled in a manner that they can be identified as an individual operator's or crew members fish. Operator(s) and crew members are also prohibited from giving all or part of their individual limit to any passenger during or after a trip.
- (3) The authorization for boat limits aboard a vessel does not apply to fishing trips originating in California where fish are taken in other jurisdictions.
- (4) A boat limit for a species or species group is equal to the number of passengers aboard the vessel that are licensed or otherwise authorized to sport fish in ocean waters off California or in the San Francisco Bay District multiplied by the individual daily bag limit authorized for a species or species group as specified in Section 27.60 (a) through (c), Title 14, CCR. For purposes of this section, the number of passengers shall not include the vessel operator(s) and crew members. It is unlawful to exceed the boat limit at any time.
- (5) Prior to the departure on a fishing trip of a vessel that is operating under authority of a license issued pursuant to Fish and Game Code Section 7920, the number of fishers, to include passengers, guests, operators and crew who will be fishing, shall be recorded under "number of fishers" on the logbook for that trip. In addition, the number of vessel operator(s) and crew members who will fish for that trip shall be recorded in the space to the right of the operator's signature on the logbook.
- (6) Upon completion of a sport fishing trip aboard a vessel reporting under this section, each licensed or otherwise authorized angler may not possess more than the daily bag and possession limits specified in subsections 27.60 (a) through (c) consistent with subsection (e)(1). For the purposes of this section, a fishing trip is completed at the time a person disembarks from the vessel and individual possession limits apply.
- (7) Species or species groups for which no daily bag limit exists under Section 27.60 (d), Title 14, CCR, are not included in the boat limit.
- (f) Where boat limits are provided for in this section, the vessel operator(s) and crew members may be cited for violations occurring aboard the vessel, including but not limited to violations of the following:
- (A) Overlimits
- (B) Possession of prohibited species
- (C) Minimum size limits
- (D) Fish taken out of season or in closed areas
- (g) Boat limits are not authorized for sturgeon fishing and shall not apply to the take, possession or retention of sturgeon.

NOTE:

Authority cited: Sections 7071, 7923 and 8587.1, Fish and Game Code. Reference: Sections 7923 and 8587.1, Fish and Game Code.

# §701. Report of Fish Taken To Be Made by Owner of Barge or Vessel for Hire, and Accommodation for and Cooperation with State and Federal Observers.

# Informative Digest/Policy Statement Overview - DFG

California's green sturgeon and white sturgeon support a popular sport fishery in the San Francisco Estuary and Sacramento-San Joaquin River System and a lesser fishery in the ocean. Green sturgeon and white sturgeon are prone to overfishing due to their life-histories and behavior. Their numbers are also subject to decline attributable to habitat loss and habitat degradation. White sturgeon (in particular) are subject to organized poaching and illegal commercialization of their highly-valuable eggs and flesh.

Current fishing regulations for these two sturgeon species provide a year-round fishery, a daily bag and possession limit of one fish, a size limit of 46 to 72 inches total length, and area and seasonal closures. These regulations do not differentiate between different life histories and population status, ignore the population-effects of varying production of young sturgeon, can not manage the boom-and-bust character of the fishery, and make it difficult to deter poaching and illegal commercialization.

The Department of Fish and Game (Department) is proposing regulations which will facilitate existing efforts to improve California's sturgeon populations and protect the sturgeon fishery by improved habitat, better fish passage, increased population and fishery monitoring, effective enforcement, and comprehensive coordination with the public.

The proposed regulations include a size limit for white sturgeon of 46 to 60 inches total length, no retention of green sturgeon, a daily bag limit of one white sturgeon, an annual bag limit three white sturgeon, no authorization of boat limits when sturgeon fishing in ocean waters, and an annual sturgeon report card with tags.

If the regulations proposed here are implemented and substantially enforced, the fundamental character of California's sturgeon fishery will be preserved while important additional fishery management, population management, and anti-poaching measures will be effected.

<u>Section 1.62, Title 14, CCR:</u> Section 1.62 addresses handling requirements for fish to be released due to size restrictions. However, Section 1.62 references only handling of fish that are less than the legal size.

The proposed amendment to Section 1.62 would extend the protections now afforded fish less than legal size to fish greater than legal size. Handling requirements afforded fish – particularly sturgeon – greater than legal size are basic conservation measures designed to minimize stress and mortality to captured fish that must be released.

<u>Sections 5.80 and 27.90, Title 14, CCR:</u> These sections limit retention of sturgeon for inland (Section 5.80) and ocean (Section 27.90) waters. The current sections do not differentiate between white sturgeon and green sturgeon.

The proposed amendment removes green sturgeon to their own section and includes measures to improve white sturgeon spawning potential, population resiliency, fishery data, and anti-poaching efforts:

- a white sturgeon size limit of 46 to 60 inches total length,
- a 3-fish-per-year white sturgeon bag limit,
- specific requirements for a Sturgeon Fishing Report Card, and
- a requirement to apply tags to retained white sturgeon.

The size limit would protect approximately 12 year-classes of sturgeon from harvest during a period when female sturgeon of this size and age have tremendous reproductive potential.

The 3-fish annual bag limit would allocate the sturgeon resource more-equitably and reduce the incentive for illegal commercialization of sturgeon.

The report card with tags would be necessary to enforce the annual bag limit and to collect much-needed information on catch of sturgeon by anglers. Because enforcement of the annual bag limit and collection of catch data are both very important, possession of the card and use of the tags would be required of children and other potentially non-licensed anglers (e.g., those participating fishing from piers). These potentially non-licensed anglers were recently estimated at about 16 % of all anglers in marine waters during 2004 and 2005.

Sturgeon Fishing Report Card Requirements

- Any person fishing for sturgeon shall have in their possession a nontransferable Sturgeon Fishing Report Card issued by the department
- This includes anglers who are under 16 years of age, anglers who are fishing from a public pier, and anglers
  who hold a lifetime fishing license. Anglers who are under 16 years of age may purchase a sturgeon fishing
  report card without purchasing a sport fishing license.
- A Sturgeon Fishing Report Card shall be valid for the calendar year as shown on the report card.
- No person may purchase more than one Sturgeon Fishing Report Card per year or possess any Sturgeon Fishing Report Card other than their own.
- Anglers must return their card by January 31 of the following year shown on the report card to the address specified on the Sturgeon Fishing Report Card.
- If the angler holds a sport fishing license, the report card number shall be entered in ink on the angler's sport fishing license, and the sport fishing license number shall be entered in ink on the report card on the appropriate line.
- Whenever the cardholder catches a sturgeon, whether the fish is retained or released, the cardholder shall use
  a ball point pen to immediately record on the Sturgeon Fishing Report Card all of the following information:
  month and day, catch location, and species of sturgeon. If a white sturgeon is retained, the total length of the
  fish must also be recorded on the report card immediately.

Sturgeon Tagging Requirements

- A Sturgeon Fishing Report Card includes three tags that are to be used to tag any white sturgeon that is retained.
- After retaining a white sturgeon the date the fish is taken shall be immediately recorded on the tag with a ball point pen.
- The angler shall immediately attach the tag to the body of the white sturgeon, and leave the tag in place until the fish is processed, steaked, or filleted for consumption and stored at a residence or non-transient location.

<u>Sections 5.81 and 27.91, Title 14, CCR:</u> This action would create sections specific to green sturgeon for inland (Section 5.81) and ocean (Section 27.91) waters, eliminate retention of green sturgeon, and complement the proposals to amend sections 5.80 and 27.90 so that it addresses only limits to white sturgeon retention.

<u>Section 27.60, Title 14, CCR:</u> This section limits retention of sturgeon in ocean waters. With regards to sturgeon, it is simply a table that reiterates information in Section 27.90.

The proposed amendment would make contents of the table consistent with Section 27.90 and no authorization of boat limits while sturgeon fishing in ocean waters to align with proposed Section 195 changes. Furthermore, the amendment would complement the proposed establishment of Section 27.91 on green sturgeon retention.

<u>Section 27.95, Title 14, CCR:</u> This section limits take of sturgeon in an area of San Francisco Bay between January 1 and March 15. The proposed amendment is a slight wording change that would complement the proposed changes to sections 27.90 and 27.91.

<u>Section 195, Title 14, CCR:</u> This section contains the regulations for boat limits in ocean waters. The proposed amendment has no authorization of boat limits while sturgeon fishing in ocean waters to ensure accurate data is collected from the report cards.

<u>Section 701, Title 14, CCR:</u> This section contains regulatory form numbers that are incorporated by reference and their fees which are adjusted annually pursuant to the provisions of Section 699, Title 14, CCR.

The proposed amendment provides the annual fee updates for the Declaration for Multi-Day Fishing Trip, Permit Authorizing Transit of a Recreational Fishing Vessel Through Areas Closed to Fishing (Annual and 30

days or less) forms, adds 2007 Salmon Punch Card and 2007 Steelhead Fishing Report and Restoration Card form numbers and fees to this section, reflects the required changes made to sections 5.80 and 27.90 for the Sturgeon Fishing Report Card.

The Sturgeon Fishing Report Card fee will range from \$0 to \$7.50, which are the minimum and maximum permit prices that the Department can charge without legislation. The final fee will be determined from report card printing and administration costs, final funding source, the projected anglers and a 5% license agent handling fee calculated pursuant to Fish and Game Code 1055(b).

Minor changes were made to improve the clarity of the regulations.

# **Regulatory Language**

Section 701, Title 14, CCR, amended as follows:

701. Sport Fishing Forms and Fees (a) Declaration for Multi-Day Fishing Trip (FG 935 (rev. 06/05) incorporated	
by reference herein)	\$ <del>4.50</del> 4.75
(b) Permit Authorizing Transit of a Recreational Fishing Vessel Through Areas	·
Closed to Fishing (Annual) (FG 672 (rev. 07/05), incorporated	<b>#</b> 00 000 4 00
by reference herein)	\$ <del>32.00</del> 34.00
(c) Permit Authorizing Transit of a Recreational Fishing Vessel Through Areas	
Closed to Fishing (30 Days or less) (FG 672 (rev. 07/05), incorporated	
by reference herein)	\$ <del>8.00</del> 8.50
(d) <del>2006</del> 2007 Salmon Punch Card (FG 684 (rev 7/06), incorporated	
by reference herein)	\$ 1.50
(e) 2007 Steelhead Fishing Report and Restoration Card (FG 682 (rev. 7/06),	
incorporated by reference herein)	<u>\$ 5.50</u>
(f) 2007 Sturgeon Fishing Report Card (FG 683 (7/06), incorporated	
by reference herein)	\$ [0-7.50]

(g) Pursuant to the provisions of Section 699, Title 14, the department shall annually adjust the fees of all licenses, stamps, permits, tags, or other entitlement required by regulations set forth in this section.

Authority cited: Sections 200, 202, 205, 220, 713, 1050 and 7380 Fish and Game Code. Reference: Sections 200, 202, 205, 206, 220, 713, 1050, 1055 and 7380, Fish and Game Code.